



STATE OF GEORGIA
OFFICE OF THE GOVERNOR
ATLANTA 30334-0900

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GOVERNOR

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WORKFORCE DEVELOPMENT

STATE OF GEORGIA

WORKFORCE INVESTMENT ACT

POLICY MANUAL

PROGRAM YEAR 2012

Revised as of 4/1/2014

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Contents

WORKFORCE INVESTMENT ACT DEFINED	1
PURPOSE OF THE STATE WORKFORCE INVESTMENT ACT POLICY MANUAL	2
GOVERNOR’S OFFICE OF WORKFORCE DEVELOPMENT ORGANIZATIONAL CHART	3
STATE WORKFORCE INVESTMENT BOARD	7
COMPLAINTS AND GRIEVANCES	11
MONITORING, EVALUATION AND TECHNICAL ASSISTANCE.....	14
STATEWIDE PERFORMANCE AND SANCTIONS	17
PROVIDING NOTICE OF EQUAL OPPORTUNITY AND NONDISCRIMINATION	25
LOCAL WORKFORCE INVESTMENT AREA.....	27
QUALITY CONTROL	28
GRANT ADMINISTRATION	33
FIVE YEAR PLAN SUBMISSION	33
STATE APPLICATION FOR FEDERAL ASSISTANCE	33
Applicants are required to use a standard form (SF-424) as a factsheet for preapplications	33
and applications submitted for Federal assistance. It will be used by Federal agencies to	33
obtain applicant certification that States which have established a review and comment.....	33
procedure in response to Executive Order 12372 and have selected the program to be	33
included in their process, and have been given an opportunity to review the applicant’s submission.....	33
ASSURANCES AND CERTIFICATIONS	33
FINANCIAL	40
PROGRAM PERFORMANCE REPORTING.....	41
DATA ELEMENT VALIDATION	42
WAIVERS.....	43
GRANT ADMINISTRATION	46
WIA ADMINISTRATIVE STANDARDS.....	47
SERVICE PROVIDER SELECTION PROCESS PROVIDER AGREEMENTS	53
PERFORMANCE INCENTIVE AWARD POLICY.....	54
FINANCIAL MANAGEMENT SYSTEM.....	55
COST ALLOCATION PLAN & COSTS POOLS	56
GRANT ALLOCATION	58
WIA ALLOCATION PROCESS TIMELINE	60
DRAWDOWNS.....	61
GOVERNOR’S RESERVE FUND	63
COST PRINCIPLES, ALLOWABLE COST & UNALLOWABLE COSTS	63

EXPENSE GUIDELINES	65
CASH MANAGEMENT	68
LOST OR STOLEN/FORGED CHECKS.....	69
PROGRAM INCOME	70
EXPENDITURE REPORTING TO GOWD	73
RECAPTURE AND REALLOCATION POLICY	74
GRANT AGREEMENT CLOSEOUT	78
AUDITS AND RECORD RETENTION.....	79
GRANT ELIGIBILITY DISBARMENT	84
PROGRAMMATIC.....	85
ONE-STOP SYSTEM	86
PERFORMANCE MEASURES UNDER COMMOM MEASURES.....	90
WIA DATA SOURCES	93
PARTICIPATION AND EXIT UNDER COMMON MEASURES	96
REPORTING DIFFERENCES BETWEEN THE WIA ACCOUNTABILITY SYSTEM & COMMON MEASURES..	99
ELIGIBILITY	101
GENERAL ELIGIBILITY DETERMINATION PROCESS.....	102
SOCIAL SECURITY NUMBER PROCEDURE	104
FAMILY SIZE AND INCOME DETERMINATION	105
SELECTIVE SERVICE REGISTRATION REQUIREMENTS.....	107
ADULT AND DISLOCATED WORKER ELIGIBILITY AND PRIORITY FOR SERVICES.....	110
YOUTH	111
INDIVIDUAL EMPLOYMENT PLAN (IEP)	115
INDIVIDUAL SERVICE STRATEGY (ISS).....	116
SERVICES AND ACTIVITIES FOR WIA.....	117
INDIVIDUAL TRAINING ACCOUNTS (ITA)	123
ON-THE-JOB TRAINING (OJT).....	125
CUSTOMIZED TRAINING	128
ELIGIBLE TRAINING PROVIDERS	129
GOWD WIA TRAINING PROVIDER APPEAL PROCESS	133
CERTIFICATES AND CREDENTIALS.....	135
SUPPORTIVE SERVICES	137
FOLLOW-UP SERVICES AND ACTIVITIES	144
THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT (WARN).....	146
RAPID RESPONSE	146
MONITORING & REPORTING	147

ONSITE MONITORING.....	149
QUARTERLY REPORTING.....	150
Appendix A: Grants Management System (GMS).....	1
Technology.....	3
The software component of the system was written and designed by Deloitte & Touche, LLP. In addition to the initial design, Deloitte supplies secure remote maintenance and updates pursuant to contract.....	3
The physical system was built according to specifications from Deloitte and consistent with state policy.....	3
Whereas reliability and security is of the utmost importance, the content of the entire primary hard drive of the system is backed up nightly. Both the system and the backup drive are password protected. While nightly backups are automated, the system is monitored to ensure proper performance.....	3
The system is connected to the local area network via GOWD 1 router. It is tangent to the network that connects GOWD staff to the SOG network. Thus, GOWD staff has login capabilities to GMS, while the system is not open to other SOG users. This system is established as such to ensure both security and accountability.....	3
System.....	3
Security.....	3
I. Section1: Purpose of Rapid Response.....	7
A. 1.1 What is Rapid Response?.....	7
B. 1.2 Rapid Response Eligibility.....	7
C. 1.3 Rapid Response Activities	7
D. 1.4 State Responsibilities	7
E. 1.5 Local Workforce Investment Area Responsibilities	8
F. 1.6 Coordination between GOWD and LWIA	9
G. 1.7 Other Community Partners.....	9
II. Section 2: Discovering the Need for Rapid Response.....	10
A. 2.1 Worker Adjustment and Retraining Notification	10
B. 2.2 Non-WARN Events.....	10
C. 2.3 Events Triggered Without WARN	10
D. 2.4 National or State Emergency.....	10
E. 2.5 Trade Adjustment Assistance	10
III. Section 3: Layoff Aversion	12
IV. Section 4: Coordinating a Layoff.....	13
A. 4.1 Pre-Employer Meeting.....	13
B. 4.2 Employer Meeting.....	14
C. 4.3 Rapid Response Services	14
4.3.1 Financial Benefits	14
4.3.2 Reemployment Services	15
4.3.3 Educational Opportunities.....	15

D.	4.4 Responding to Mass Layoff Events	15
E.	4.5 File Management.....	15
	4.5.1 WARN Filing Cabinet at GOWD	15
	4.5.2 Layoff Tracker.....	16
	4.6.2 GeoSolutions.....	16
V.	Section 5: Services to Employees.....	17
A.	5.1 Employee Information Session	17
B.	5.2 Preparing for the EIS	17
	5.2.1 Pre-Planning.....	17
	5.2.2 The Meeting	17
	5.2.3 Additional Issues/Concerns to Address.....	18
	5.2.4 Post Meeting.....	18
C.	5.3 Running the EIS	18
	5.3.1 Introduction.....	18
	5.3.2 Purpose of the Meeting	18
	5.3.3 Unemployment Insurance Information.....	18
	5.3.4 One-Stops and GDOL Career Centers	18
	5.3.5 Vocational Rehabilitation.....	19
	5.3.6 Veterans’ Services	19
	5.3.7 Trade.....	19
	5.3.8 Job Openings.....	19
	5.3.9 Time for Questions and Answers.....	19
D.	5.4 Services Available to Dislocated Workers	19
VI.	Section 6: Transition Centers	21
A.	6.1 Determining the Need for a Transition Center	21
B.	6.2 How does the RRC report on transition center activity?.....	22
VII.	Section 7: Financial Policies and Monitoring.....	23
A.	7.1 Rapid Response Budget Allocations.....	23
	7.1.1 LWIA Rapid Response Administration	23
	7.1.2 Rapid Response Emergency Reserve	23
	7.1.3 Other Expenditures.....	23
B.	7.2 Rapid Response Monitoring	24
	7.2.1 Rapid Response Financial Monitoring.....	24
VIII.	Section 8: Phone Protocol and Media Requests.....	25
A.	8.1 WARN Telephone Protocol	25
B.	8.2 Questions from Employers.....	25

C.	8.3 Questions from Employees	26
D.	8.4 Requests from Media.....	26

WORKFORCE INVESTMENT ACT DEFINED

The Workforce Investment Act is a U.S. federal law enacted in 1998 to replace the Job Training Partnership Act and certain other Federal laws relating to job training. The purpose of the act is to provide workforce investment activities through statewide and local workforce investment systems. The aim behind it is to increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants. The end goal is to improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation.

The act authorizes the establishment of workforce investment activities for eligible youth, statewide employment and training activities for adult and dislocated workers, and a national job corps program. It is carried out in partnership with states and communities. Workforce investment boards were established for carrying out these functions working in partnership with the state and local communities.

PURPOSE OF THE STATE WORKFORCE INVESTMENT ACT POLICY MANUAL

The purpose of the State Workforce Investment Act (WIA) Policy Manual is to provide policy guidance and interpretation of Federal and State workforce laws. Procedural guidance is also provided to assure consistency. The manual is intended for use in conjunction with Federal and State laws and regulations.

I. Authority

The Governor's Office of Workforce Development, hereinafter referred to as GOWD, has been designated, to act on behalf of the Governor, as the oversight entity of the Workforce Investment Act of 1998 (29 USC § 2801e.eq.) Title IB Adult, Youth, and Dislocated Worker Programs. As the designated oversight entity GOWD is given the following responsibilities and authority:

- A. To write or modify any policies or procedures, which are necessary to interpret or clarify policies on behalf of the Governor;
- B. To waive, for good cause, any parts of the manual, which are not required by law or regulations;
- C. To interpret the manual; and
- D. To monitor for compliance with the Workforce Investment Act.

II. Policy and Procedure Amendment Process

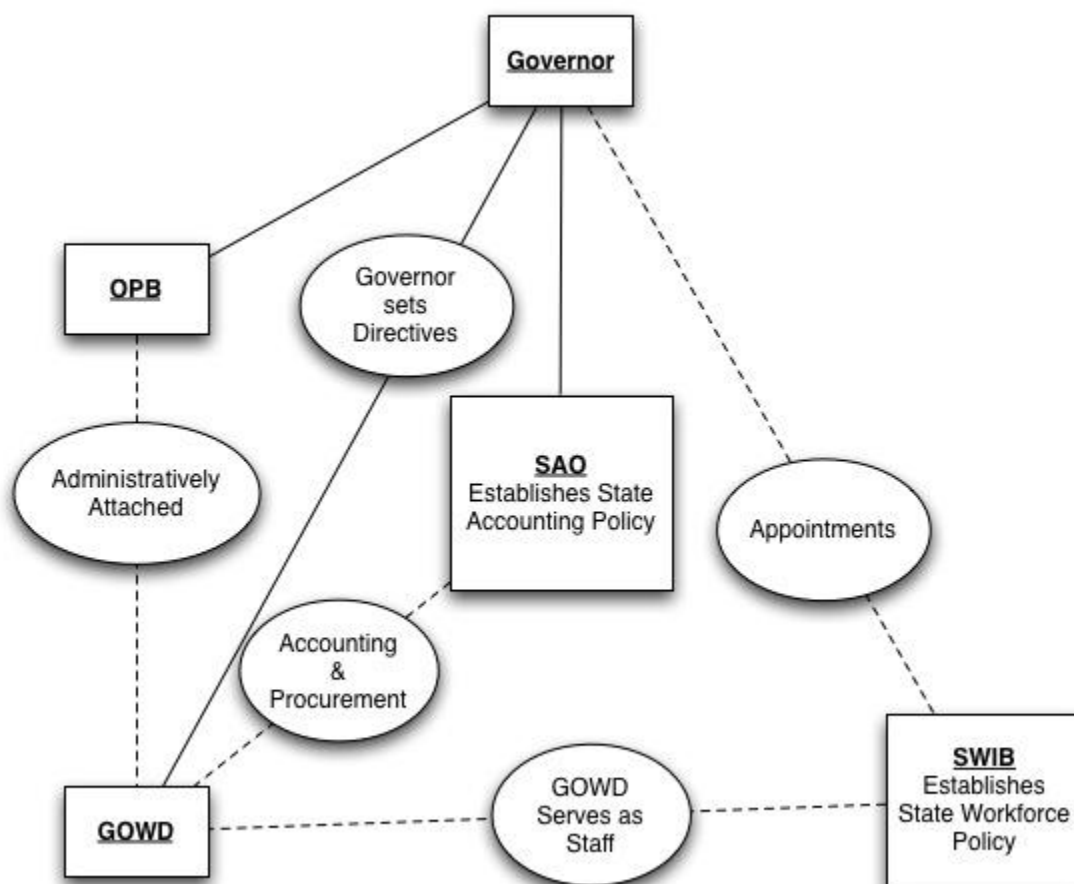
- A. Amendments to the policy and procedure may be submitted to the Executive Director of the Governor's Office of Workforce Development (GOWD) who may present the amendment to the SWIB for its approval.
- B. The provisions of Paragraph (I)(a) shall not apply with respect to a minor or technical amendment. The determination of whether an amendment is a minor or technical amendment shall be according to the judgment of the Executive Director of GOWD.

III. Complaints, Waivers, Interpretation

All complaints and request for waivers or interpretation of any part of this manual must be sent to GOWD.

Governor's Office of Workforce Development
Two Martin Luther King, Jr. Drive, S.W.
1408 West Tower
Atlanta, Georgia 30334

GOVERNOR'S OFFICE OF WORKFORCE DEVELOPMENT ORGANIZATIONAL CHART



SWIB

§ 34-14-2. Board membership; board's powers, functions, and funding

(a) Pursuant to the Workforce Investment Act of 1998, Public Law 105-220, there is created the Georgia Workforce Investment Board.

(b) The board shall consist of members to be selected by the Governor consistent with federal law requirements, two members of the House of Representatives, appointed by the Speaker of the House, and two members of the Senate, appointed by the Lieutenant Governor. A majority of the members of the board shall be representatives of businesses in this state. Other members may include, but shall not be limited to, representatives of individuals and organizations that have experience and expertise in education, the economy, the workforce, and labor.

(c) The chairperson of the board shall be appointed by the Governor. Other officers shall be elected or otherwise selected as determined by the Governor.

(d) The members of the board shall serve such terms as established by the Governor, and the members shall continue at the discretion of the Governor, except for the members of the House of Representatives and the Senate, who shall continue at the discretion of the Speaker of the House and the Lieutenant Governor, respectively.

- (e) The board shall have such powers and duties as specified by the Governor and as provided by federal law.
- (f) The board shall adopt bylaws to guide its proceedings.
- (g) The board shall be funded by federal law as provided in this chapter.
- (h) The board shall be attached to the Office of Planning and Budget for administrative purposes only.
- (i) Each member of the board who is not otherwise a state officer or employee shall be authorized to receive reimbursement for reasonably necessary travel expenses incurred in the performance of his or her duties as a member of the board, provided that such funds are available and such reimbursements are allowable under federal law. Should funds not be available or allowable for this purpose, such members shall serve without compensation. Each member of the board who is otherwise a state officer or employee shall be reimbursed by the agency of which he or she is an officer or employee for reasonably necessary travel expenses actually incurred in the performance of his or her duties as a member of the board, provided that such funds are available and such reimbursements are allowable under federal law. Except as otherwise provided in this subsection, members of the board shall receive no compensation for their services.
- (j) The board shall be authorized to consult with and form committees with members and persons knowledgeable on the subject matter at issue in order to effectively carry out its duties. Such consultants shall serve without compensation but shall be reimbursed for travel and other reasonable and necessary expenses incurred while attending meetings of or on behalf of the board, provided that such travel and other expenses are approved by the director and such reimbursements are allowable under federal law.
- (k) The Governor's Office of Workforce Development shall be authorized to employ and contract with other individuals and organizations as needed to assist in executing the board's responsibilities, provided that funds are available for such expenditures and such expenditures are allowable under federal law.
- (l) All state departments, institutions, agencies, commissions, councils, authorities, boards, bureaus, or other entities of the state shall provide all information and support as required by the board to perform its duties.

GOWD

§ 34-14-3. Governor's Office of Workforce Development established; executive director; attachment to Office of Planning and Budget

(a) The Governor's Office of Workforce Development is hereby established to implement state workforce development policy as directed by the Governor and to serve as staff to the board.

(b) The Governor's Office of Workforce Development shall have an executive director appointed by the Governor whose duties are to implement state-wide workforce development policy as directed by the Governor, to serve as workforce development policy advisor to the Governor, and to serve as executive director to the board.

OPB

O.C.G.A. § 34-14-3 The Governor's Office of Workforce Development shall be attached to the Office of Planning and Budget for administrative purposes only.

O.C.G.A. § 34-13-2 The SWIB shall be attached to the Office of Planning and Budget for administrative purposes only.

SAO

§ 50-5B-1. Office created; state accounting officer

- (a) The State Accounting Office is created and shall be administered by the state accounting officer.
- (b) The state accounting officer shall be appointed by the Governor and shall serve at the pleasure of the Governor.
- (c) Beginning July 1, 2005, the state accounting officer shall receive an annual salary to be set by the Governor. The state accounting officer shall also be reimbursed for all actual and necessary expenses incurred by him or her in carrying out his or her official duties.
- (d) The state accounting officer shall be required to take and subscribe before the Governor an oath to discharge faithfully and impartially the duties of such office, which oath shall be in addition to the oath required of all civil officers.

§ 50-5B-3. Duties of the state accounting officer; recommendations for improving cash management practices; implementing policies

(a) The state accounting officer shall:

- (1) Prescribe state-wide accounting policies, procedures, and practices;
- (2) Prescribe, develop, operate, and maintain uniform state accounting systems for all state government organizations which facilitate financial accounting and reporting in accordance with generally accepted accounting principles and also meet state and federal accounting and financial reporting requirements;
- (3) Prescribe the manner in which disbursements shall be made by state government organizations;
- (4) Prescribe and supervise the installation of any changes in the state accounting information systems necessary to secure and maintain internal control and facilitate the recording of accounting data for the purpose of preparing reliable, timely, and meaningful statements and reports;
- (5) Manage the state's accounting, payroll, and human capital systems;
- (6) Using generally accepted accounting principles, prepare the state's financial statements and other reports in accordance with legal requirements;
- (7) Provide annual financial statements and other reports to the state auditor and other auditors, as appropriate, for review and certification when required by statute or federal regulation;
- (8) Develop interim reports on the financial condition and budgetary compliance of the state and various state organizations;
- (9) Determine the proper classification for accounting and reporting purposes of all assets, liabilities, revenues, expenditures, fund balances, funds, and accounts in compliance with legal requirements and generally accepted accounting principles and prescribe a uniform classification of accounts and other accounting identifiers which shall be used by all state organizations;

(10) Develop processes and systems to improve accountability and enhanced collection of accounts receivable due to the state. In developing these processes, the state accounting officer may prescribe procedures to allow for the recognition of uncollectible accounts for financial reporting purposes. He or she may also develop guidelines to allow uncollectible debts to be removed from active collection processes. This recognition shall not remove or diminish the state's claim on accounts or debt owed to the state; and

(11) Develop processes and systems to improve accountability and enhance efficiency for disbursement of funds and management of accounts payable.

(b) The state accounting officer may recommend processes and systems to improve the cash management practices of the state to the State Depository Board. The state accounting officer in cooperation with the Office of the State Treasurer may prescribe policies and procedures to implement the policies of the board.

§ 50-5B-4. Obligations of state government organizations with respect to the state accounting officer

(a) As used in this chapter, the term "organization of state government" shall mean, without limitation, any agency, authority, department, institution, board, bureau, commission, committee, office, or instrumentality of the State of Georgia. Such term shall not include any entity of local government, including, but not limited to, a county, municipality, consolidated government, board of education, or local authority, or an instrumentality of any such entity. (b) All organizations of state government and all officers, agents, and employees thereof shall conform to and comply with the rules, regulations, policies, procedures, and forms devised, promulgated, and installed by the state accounting officer.

(b) All organizations of state government shall submit statements, reports, information, and data necessary to enable the state accounting officer to complete the reports required under this Code section and Code Section 50-5B-3.

(c) All organizations of state government may only create and maintain accounting systems or subsidiary accounting systems that have been approved by the state accounting officer.

(d) All organizations of state government shall provide lease information to the state accounting officer to permit the state accounting officer to properly account for and report all capital and operating leases.

(e) All organizations of state government shall provide information to the state accounting officer necessary to properly account for and report real property and personal property.

(f) All information and reports required in this Code section shall be provided in the form and within the time frame prescribed by the state accounting officer.

STATE WORKFORCE INVESTMENT BOARD

As required by Section 111(b) (1) of the Workforce Investment Act of 1998 the Governor established a State Workforce Investment Board (SWIB). The Governor's appointments to the SWIB were made in compliance with the criteria in WIA Section 111(b) (2).

- I. State Board Membership Requirements Include:
 - A. Governor or Governor's designee;
 - B. Two members of each chamber of the State legislature, appointed by the appropriate presiding officers of each such chamber; and
 - C. Representatives of business in the State, who:
 - 1. Are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policy making or hiring authority;
 - 2. Represent businesses with employment opportunities that reflect the employment opportunities of the State; and
 - 3. Are appointed from among individuals nominated by State business organizations and business trade associations;
 - D. Chief elected officials (representing both cities and counties, where appropriate);
 - E. Representative of labor organizations, who have been nominated by State labor federations;
 - F. Representatives of individuals and organizations that have experience with respect to youth activities;
 - G. Representatives of individuals and organizations that have experience and expertise in the delivery of workforce investment activities, including chief executive officer of community colleges and community-based organizations within the State;
 - H. Lead State agency officials with responsibility for the programs and activities carried out by one-stop partners or a representative in the State with expertise relating to such programs, service, or activity when there is no lead State agency official; and
 - I. Any other representatives and State agency officials as the Governor may designate, such as the State agency officials responsible for economic development and juvenile justice programs in the State.

II. Responsibilities

As the advisory board to the Governor on workforce development the State Workforce Investment Board's responsibilities include:

- A. Assisting the Governor with the development of the State plan and annual report;
- B. Development and continuous improvement of a statewide system of activities that are funded under WIA Title IB or carried out through a one-stop delivery system including:
 - 1. Development of linkages in order to assure coordination and non-duplication among the programs and activities;
 - 2. Review of Local Plans.
- C. Commenting at least once annually on the measures taken pursuant to section 13(b)(14) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C 2323(b)(14));
- D. Designation of local areas including receipt of grievances or requests for designation;
- E. Development of allocation formulas for the distribution of funds for adult employment and training activities and youth activities;
- F. Development and continuous improvement of comprehensive State performance measures, including State adjusted levels of performance, to assess the effectiveness of the workforce investment activities in the State as required under section 136(b);
- G. Development of statewide employment statistics system; and
- H. Development of an application for incentive grants under WIA section 503.

III. Conflict of Interest

The State Workforce Investment Board has the responsibility to ensure all board members are aware of the WIA Conflict of Interest Policy in WIA Law Section 111(f) that says a member may not vote on a matter under consideration by the board:

- A. Regarding the provision of services by such member (or by an entity that such member represents); or
- B. That would provide direct financial benefit to such member or the immediate family of such member; or
- C. Engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

IV. Memorandum of Understanding/Contracts

The State Workforce Investment Board has the responsibility to:

- A. Ensure the development and execution of a Memorandum of Understanding/Contract between the LWIB and other Workforce Investment Act partners concerning delivery of required programs and activities in order to meet the MOU/contract requirements in Section 121(b) (c) of the Workforce Investment Act. The provisions of the Memorandum of Understanding/Contract, at a minimum, must cover:
 - 1. The services to be provided through the one-stop delivery system;
 - 2. How the costs of such services and the operating costs of the system will be funded;
 - 3. Methods for referral of individuals between the one-stop operator and the one-stop partners, for the appropriate services and activities;
 - 4. The duration of the memorandum/contract and the procedures for amending the memorandum/contract during the term of the memorandum/contract; and
 - 5. Such other provisions, consistent with the requirements of this title, as the parties to the agreement determine to be appropriate.
- WIA Sec. 121 (b) (c) and Regulations 20 CFR 662.300***
- B. Provide, upon request by GOWD, copies of contracts and Memorandum of Understanding (as required by Section 121 (c) of WIA) to document partnerships, relationships, duties and cost sharing with one-stop center partners.

V. Integrated Workforce System

The State Workforce Investment Board has the responsibility to implement an integrated workforce system in compliance with:

- A. The State's five-year strategic plan; and
- B. State policies and procedures applicable to the Board's activities.

VI. Accessibility

The State Workforce Investment Board has the responsibility to insure access to local workforce development services available at times consistent to meet community needs.

VII. Sunshine Provisions

The State Workforce Investment Board has the responsibility to conduct all activities and meetings under this Agreement in compliance with the provisions of the Georgia Open Meeting Laws and the Sunshine Provision requirement in the Workforce Investment Act Section 111(g), Regulations at 20 CFR 661.207, O.C.G.A. Title 50, Chapters 14 and 18 or O.C.G.A Title 50, Chapter 14 and O.C.G.A. Title 50, Chapter 18

Notice for Regularly Scheduled SWIB & Committee Meetings	Posted at least <u>one week</u> in advance at regular place of meeting and on website. Must provide/post agenda as far in advance as possible <u>within two weeks</u> prior to meeting.	O.C.G.A. §§ 50-14-1 (d)(1) & (e)(1)
Notice for SWIB & Committee Meetings Not Previously Posted	Posted at least <u>24 Hours</u> in advance at regular place of meeting and given to legal organ.	O.C.G.A. §§ 50-14-1 (d)(2)
Meeting Summary	Written summary of actions and members present must be made available within 2 business days of the meeting.	O.C.G.A. §§ 50-14-1 (e)(2)(A)
Meeting Minutes	Includes SWIB & committees. Made available immediately following next scheduled meeting (can be made available sooner). Must include names of members present, description of each motion and proposal, name of each person making and seconding each motion and proposal, and a record of each vote. Minutes now required for executive session portions of meetings, but not for public inspection [we typically do not have executive session portions of meetings].	O.C.G.A. §§ 50-14-1 (e)(2)(B) & (C)
Teleconference	Permitted for SWIB and committees. Can occur in limited, emergency circumstances for Local Boards.	O.C.G.A. §§ 50-14-1 (f) & (g)

VIII. Labor Market Information

The State Workforce Investment Board has the responsibility to utilize the State's labor market information system to identify, by occupation, the labor demand by employers in each workforce investment area.

IX. The State Oversight's Role and Responsibilities

To ensure that the State Workforce Investment Board members understand the State's oversight role and responsibilities, staff from GOWD should participate in all new board member orientation to explain GOWD's role and responsibilities as they relate to WIA on behalf of the Governor.

WIA Sec. 117(d)(3)(B)(i)(I)

COMPLAINTS AND GRIEVANCES

Whenever any person, organization or agency believes that the Governor, or the Governor's designee, WIA grant recipient or Governor's designee, has engaged in conduct that violates the WIA Act and has a concern regarding this violation, the problem should first be discussed informally between those involved and then with the Governor's Office of Workforce Development (GOWD) before a grievance or complaint is filed. Grievances or requests regarding local area designation should be directly submitted to the Executive Committee of the State Workforce Investment Board for review before the full SWIB.

The grievance or complaint process is intended to allow for a resolution of the violation at the most local level. Applicants and participants for WIA-related services through the Workforce Investment Act (WIA) Title I will be treated fairly by GOWD or any of its sub recipients for funds entrusted to the agency and no applicant, participant, employee, service provider or training provider will be intimidated, threatened, coerced or discriminated against because they have made a compliant, testified, assisted or participated in any manner of an investigation, proceeding or hearing.

The Governor's Office of Workforce Development is prohibited from discriminating, under Section 188 of the Workforce Investment Act of 1998, against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I financially assisted program or activity.

Grievances and complaints should be filed as the participant's right in accordance with the written procedures established by each of the 20 local area's policies and procedures. Complaint Specialists at the local area serve as the focal point for taking and handling complaints and grievances that involve customer service concerns, apparent violations, discrimination and related issues. Grievances and complaints filed with the Governor's Office of Workforce Development in this subsection for WIA-funded program or activity, whether informally or formally signed and in written form, will follow local area policies. If a participant believes that he/she has been discriminated against under a WIA-funded program or activity, that individual may file a complaint within 180 days from the date of the alleged violation to the WIA Equal Opportunity Officer at the local area. If you elect to file your complaint with the Governor's Office of Workforce Development, you must wait until the local area has issued a decision or until 30 calendar days have passed, whichever is sooner, before filing with the Governor's Office of Workforce Development.

Within 60 calendar days of filing your grievance, WIA requires the local area to provide a formal hearing, if the issue is not resolved informally prior to the hearing. If you find the local hearing decision unsatisfactory or if the local area does not respond to you in the allotted 60 days, you will have the opportunity to file a request for review by the State using the WIA Complaint Information Form in GOWD's Methods of Administration. At the State level, WIA requires an opportunity for an information resolution and hearing to be completed within 60 calendar days of the filing. If the State does not respond within the 60 days, or either party wishes to appeal, WIA allows for a formal appeal to the U.S. Department of Labor (DOL). Federal appeals must be made within 60 calendar days of the receipt of the decisions being appealed. DOL will make a final decision no later than 120 days after receiving a formal appeal. DOL will only investigate grievances and complaints arising through the established procedures. WIA does not allow for federal intervention until the formal procedure has been followed. If you find the Governor's Office of Workforce Development's decision unsatisfactory, or if GOWD does not respond to you in the allotted 45 days, you will have the opportunity to file a request for review by the Executive Council Officer of the Governor. At the

State level, WIA requires an opportunity for an informal resolution and hearing to be completed within 60 calendar days of the filing. If the State's representative GOWD or the Executive Council does not respond within the 60 days, or either party wants to appeal, WIA allows for a formal appeal to the U.S. Department of Labor. Federal appeals must be made within 60 calendar days of the receipt of the decision being appealed. USDOL will make a final decision no later than 120 days after receiving a formal appeal.

USDOL will only investigate grievances and complaints arising through the established procedures by the State. WIA does not allow for federal intervention until the formal procedure has been followed as outlined below.

- I. Contact Local Area for inquiry to resolution of alleged grievance or complaint
- II. Contact State WIA EO Officer, GOWD

Cherry Peterson
Governor's Office of Workforce Development
Two Martin Luther King, Jr. Dr. SW
1408 West Tower
Atlanta, Georgia 30334
Email: CPeterson@georgia.gov
Phone: (404)656-9485
Fax: (404)463-5043

OR

Ben Hames, Executive Director
Governor's Office of Workforce Development
Two Martin Luther King, Jr. Drive, S.W.
1408 West Tower
Atlanta, Georgia 30334
Email: bashbee@georgia.gov
Phone: (404) 232-6562
Fax: (404) 463-5043

If resolution is not sufficient, contact mediator at the
Executive Council Office of the Governor
201 State Capitol
Atlanta, Georgia 30334
Phone (404) 656-1776

- III. Director, Civil Rights Center (CRC),
U.S. Department of Labor
200 Constitution Ave. NW Room – N4123
Washington, DC 20210

Use form at: <http://www.dol.gov/oasam/programs/crc/Cife.pdf>

People with Hearing Impairments may contact the Georgia Relay Center at 1-800-255-0056 or 711

Discrimination complaints related to WIA service delivery are handled separately from non-criminal complaints from participants. If a participant thinks that he/she has been subjected to discrimination under a WIA Title 1-financially assisted program or activity, the WIA Complaint Information Form in GOWD's Methods of Administration should be used or

a complaint should be filed with DOL's Civil Rights Center. In case of suspected fraud, abuse or other alleged criminal activity, you should direct your concerns to the Georgia Office of Inspector General, 1-866-435-7644 or email at inspector.general@oig.ga.gov

MONITORING, EVALUATION AND TECHNICAL ASSISTANCE

Monitoring, evaluation and technical assistance are an integral part of the oversight responsibilities required by law. Monitoring is an essential part of program management to ensure compliance with appropriate laws, regulations, plans, provider agreements, policies and procedures. Monitoring and evaluation identify areas of strength and weakness in program operation with the intent of improving program performance. Technical assistance increases program operation and management capabilities.

Special onsite reviews may be conducted to investigate allegations of mismanagement or to clarify unusual findings. Special reviews may or may not result in corrective action. A special review could lead to the implementation of an investigation of known or suspected incidents of fraud, program abuse or criminal conduct.

I. Monitoring Process

A. GOWD conducts program, data and fiscal monitoring and evaluation of local areas annually. Monitoring is conducted to review the previous program year(s). Onsite monitoring and/or limited scope reviews may consist of interviews with appropriate staff and reviews of policies, procedures, accounting reports, source documents, and other records as considered necessary pertaining to any or all of WIA Title IB activities including:

1. Fiscal
2. Adult
3. Youth
4. Dislocated Worker (Formula)
5. Dislocated Worker (NEG)
6. Work Experience (WEX)
7. On-the-Job Training
8. Customized Training
9. Management Information System (MIS)
10. Eligible Provider List
11. The One-Stop System including One-Stop Operators, Centers, and Service Providers.

B. Monitoring may be conducted onsite with additional oversight conducted by telephone, desk reviews of documents and reports, and such other means as deemed necessary by GOWD. Members of entities such as State Workforce Investment Board members or U.S. Department of Labor may accompany onsite monitors. GOWD reserves the right of conduct additional periodic monitoring as it deems necessary.

C. Regular oversight and monitoring of WIA activities and providers of core, intensive and training services is conducted to ensure compliance with WIA requirements including:

1. Compliance with the uniform administrative requirements described in WIA Law Title IB Section 184 and USDOL uniform administrative requirements, including the appropriate administrative requirements and applicable cost principles at WIA Reg.667.200 for all entities receiving WIA Title IB funds.
2. Compliance with applicable laws and regulations in accordance with the State's monitoring system;
3. Determining that expenditures have been made against the cost categories and within the cost limitations specified in the Act and Regulations and in this part;
4. Ensuring that established policies are achieving the program quality and outcomes meet the objectives of the Act and the WIA regulations;
5. Compliance with the nondiscrimination and equal opportunity requirements of WIA Section 188 and 29 CFR part 37. Requirements for these aspects of the monitoring system are set forth in 29 CFR 37.54(d)(2)(ii);
6. Compliance with data collection and reporting system policies and procedures;
7. Determining whether or not there is compliance with other provisions of the Act and the WIA regulations and other applicable laws and regulations; and

8. Determining if service providers and contractors have demonstrated substantial compliance with WIA requirements.
- D. Findings of Noncompliance: If, as a result of financial and compliance audits or otherwise, GOWD has determined that noncompliance with the uniform administrative requirements found at 29 CFR part 95 or part 97, as appropriate, the requirements referred to in WIA Sections 181 and 184, 29 CFR Part 37, or any other substantial violation of WIA Title IB, GOWD will require corrective action to secure prompt compliance.
- E. Failure to Take Corrective Action: If as a result of financial and compliance audits or otherwise, GOWD has determined a substantial violation of specific provisions of WIA Title IB, and corrective action has not been taken, GOWD may:
 1. provide technical assistance as necessary and appropriate;
 2. prohibit the use of eligible providers;
 3. select an alternative entity to provide services;
 4. withhold one (1) percent of the service provider's administrative total accrued expenditures to date. If the service provider does not receive administrative funding, one (1) percent of total accrued expenditures to date will be withheld.

II. Schedules and Timelines for Monitoring

A tentative monitoring schedule will be sent to the nineteen local areas and allowing them to request an adjustment to the schedule. A request for an adjustment will be granted in the case of an immovable conflict that would prevent LWIA staff from being available to the monitoring team. Once a final schedule is reached, the LWIAs will be notified of their respective onsite monitoring dates.

A. Monitoring Time frames

1. A Notice of Monitoring and Data Request will be sent to the LWIA thirty business days prior to onsite monitoring.
2. The requested documents are due ten business days following the request.
3. The Monitoring team will meet to prepare for onsite monitoring ten business days after the requested documents due date.
4. Sample Selections will be sent out the following business day.
5. The monitoring team will arrive onsite ten business days after the sample selection has been received by the LWIA.
6. Monitoring will be conducted over a period of five business days and the Notice of Findings and Required Actions (NFR) will be presented to the LWIA during the exit meeting on the last day of Monitoring.
7. The NFR must be signed and returned to GOWD within three business days.
8. GOWD will issue a Final Report ten business days following the receipt of the sign NFR.
9. The LWIA must submit a Corrective Action Response (CAR) within ten business days.
10. GOWD will submit an acceptance to the CAR or further requirements within ten business days.

This schedule is subject to change due to unique local circumstances, waiver requests, or other conflicts that may arise.

III. Evaluation

Evaluation is the measurement of the effectiveness of programs in meeting objectives, program goals and performance standards. Evaluations are intended to promote, establish, implement, and utilize methods for continuously improving workforce activities in order to achieve high-level performance within, and high-level outcomes from the statewide workforce investment system.

GOWD will produce a report on training provided and the use of training funds that is presented to the State Workforce Investment Board **annually**. This report includes the types of training providers used, the top training programs requested by WIA participants, a comparison of in-state and out-of-state training costs, comparison of cost categories for

training, comparison of the cost between different types of training providers, and a comparison of participant training completions and participant outcomes. The information on training is also included in the WIA Annual Report.

Additional reports as requested by the SWIB will be produced on behalf of the workforce system. From these reports, the SWIB and GOWD will be able to assess how effective the programs are in meeting objectives and goals and recommend any improvements that need to be made.

IV. Technical Assistance

Technical assistance and training may be recommended by GOWD or requested by the Local Workforce Areas. Technical assistance may be the means of improving operations, facilitating the implementation of corrective action or providing information. Local Workforce Areas will not be monitored on the quality or compliance of their programs during technical assistance visits but will be provided direction to improve quality and compliance issues. GOWD may provide technical assistance and training directly or outside sources may be used. Such requests should be coordinated through the appropriate program manager or specialist.

Requests for minor technical assistance may be submitted verbally or in writing. If major assistance or assistance in several areas is requested, the request should be in writing so that staff has sufficient information to decide on the most appropriate form and level of assistance to provide. If several service providers request assistance in related areas, a general training session may be scheduled.

Program managers and financial specialists may schedule technical assistance visits to service providers to provide information or special training, discuss areas of concern, evaluate program operation, or any combination thereof.

Local Workforce Area attendance is required at state-sponsored technical assistance sessions.

STATEWIDE PERFORMANCE AND SANCTIONS

I. One-Stop Operator Performance

One-Stop Operator Performance will be evaluated based on the Terms and Provisions and Scope of Service in their One-Stop Operator Agreement.

II. Local Area Performance

Federal Performance Measures will be applied to all Local WIA Areas and they must meet all of the Federal performance measure levels applicable to the program(s), Adult, Dislocated Worker or Youth, for which they receive funding. Local Workforce Areas that fail to meet applicable performance standards will be subject to sanctions. The chart below shows example Performance Measures.

STATE OF GEORGIA PERFORMANCE MEASURES PROGRAM YEAR XX

Performance Measure	PY-XX
Adult	
Entered Employment	70.5%
Employment & Retention	80.0%
Six Months Average Earnings	\$11,000
WIA Dislocated Worker	
Entered Employment	73.0%
Employment & Retention	87.0%
Six Months Average Earnings	\$13,800
WIA Youth	
Placement in Employment/Education	59.0%
Attainment of Degree/Certificate	63.0%
Literacy/Numeracy Gains	28.0%
Wagner-Peyser Measures	
Entered Employment Rate	43.0%
Employment Retention Rate	70.0%
Average Six Month Earnings	\$13,000

III. Performance Calculations

Acceptable performance for each measure is calculated based on negotiated factors which are explained in the management information system section.

IX. Imposition of Corrective Actions and Corrective Action Plans

- A. At any time, GOWD may impose corrective actions for failure by a Board or Agency grantee to ensure compliance with the following:
 - 1. one or more contracted performance measures;
 - a. GOWD recognizes that the time line for the improvement of performance measures will require special consideration. GOWD may take all complex factors affecting performance into consideration and work with the LWIA to establish an appropriate timeline for performance level improvement.
 - 2. one or more contract grant award provisions; or
 - 3. one or more of the items listed below:
 - a. applicable laws, regulations, provisions of contracts and Board plans, and official directives and circulars including, but not limited to, DOL Training and Employment Guidance Letters, DOL Training and Employment Notices, U.S. Department of Health and Human Services guidance letters, GOWD directives and policies and procedures, and applicable state laws, rules and regulations.
 - b. appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving funds as promulgated in OMB's Uniform Grant Management Standards circulars or rules; and
 - c. Agency-Board agreements and applicable program contract
- B. GOWD may impose corrective actions for failure by a Board or Agency grantee to appropriately oversee the delivery of services and ensure the effective and efficient use of funds.
- C. Failure to cooperate and comply with the GOWD's performance improvement actions, including technical assistance plans, may subject a Board or Agency grantee to corrective actions.
- D. GOWD may impose, in nonsequential order, the following corrective actions on a Board or Agency grantee:
 - 1. Intent to Sanction
 - 2. Level-One Sanction
 - 3. Level-Two Sanction
 - 4. Level-Three Sanction
- E. GOWD may impose a higher level of sanction on a Board or Agency grantee if a sanction is currently imposed when another sanctionable act occurs or is discovered.
- F. Corrective Action Plan. To assist in correcting any deficiencies, a Board or Agency grantee upon whom an intent to sanction or a sanction is imposed must enter into a corrective action plan. A corrective action plan is developed by GOWD and may include the elements of a technical assistance plan, which may be jointly developed by GOWD with Boards or Agency grantees, may include, but is not limited to:
 - 1. identification of one or more specific performance improvement issues;
 - 2. assessment of specific technical assistance or training needs;
 - 3. selection of one or more specific technical assistance or training activities to be implemented;
 - 4. identification of the appropriate entities to provide the technical assistance or training, including the Board, GOWD, other Boards, or other entities;

5. identification of a timeline for completion of the technical assistance or training; and specific dates for reassessment of technical assistance or training needs and completion of the specific technical assistance or training.
6. participation in technical and quality assurance activities;
7. mandatory participation in training;
8. on-site visits by GOWD to oversee and assist with daily operations of a Board or Agency grantee;
9. submission of additional or more detailed financial or performance reports;
10. modification of the Board's local plan;
11. issuing a notice of intent to revoke all or part of the affected local plan;
12. designation as a high-risk Board or an Agency grantee requiring additional monitoring visits;
13. appearances by the Board's executive director, other administrative officer, or the Agency grantee's executive leadership, to report on activities and progress in SWIB meetings until performance is satisfactory;
14. meetings with the workforce area's chief elected officials, Board chair, Board members, Board executive director, or Agency grantee's executive leadership;
15. formal presentation to chief elected officials, Board members, or Agency grantee's executive leadership;
16. GOWD oversight and management of problem situations, such as the appointment of a steward;
17. GOWD approval of specified Board or Agency grantee actions (i.e., prohibition against entering into specific contracts or engaging in certain activities without explicit prior approval of GOWD);
18. prohibition against a Board using designated workforce service providers, including state agencies and One-stop operators;
19. payment by reimbursement only, with required supporting documentation;
20. delay, suspension, or denial of grant award and/or contract payments;
21. reduction or deobligation of funds;
22. ineligibility for additional discretionary or other funds, including incentive awards;
23. Contract and/or grant award cancellation or termination; and
24. other actions deemed appropriate by GOWD to assist the Board or subrecipient of the Agency grantee in correcting deficiencies.

X. Intent to Sanction

- A. GOWD may issue an intent to sanction to set forth:
 1. a corrective action plan and performance review and assistance activities;
 2. a specific timeline for the implementation of the corrective action plan by a Board or Agency grantee; and
 3. an opportunity to cure the sanctionable acts.
- B. There shall be no appeal to an intent to sanction.

XI. Sanctions.

- A. Level-One Sanction. GOWD may impose a level-one sanction on a Board or Agency grantee for sanctionable acts. Sanctionable acts that occur during the program, grant, fiscal, contract, or calendar year include, but are not limited to, the following:
 1. failure to submit timely and accurate required financial or performance reports;

2. failure to take corrective actions to resolve findings identified during monitoring, investigative, or program reviews, including failure to comply with a technical assistance plan developed by GOWD;
 3. failure to rectify or resolve all independent audit findings or questioned costs within required time frames;
 4. failure to submit required annual audits;
 5. breach of administrative and service contract requirements;
 6. failure to retain required service delivery and financial records; or
 7. failure to meet the target on any contracted performance measure by more than 10 percent of the target.
- B. Level-Two Sanction. GOWD may impose a level-two sanction on a Board or Agency grantee for sanctionable acts. Sanctionable acts that occur during the program, grant, fiscal, contract, or calendar year include, but are not limited to, the following:
1. failure to rectify a level-one sanction within the time period determined by GOWD;
 2. committing a second sanctionable act;
 3. failure to rectify reported threats to health and safety of program participants within 30 days of notice. Rectifying health and safety may include investigating a complaint, taking appropriate corrective actions, or making referrals to appropriate authorities; or
 4. failure to meet the target on any contracted performance measure by more than 25 percent of the target.
- C. Level-Three Sanction. GOWD may impose a level-three sanction on a Board or Agency grantee for sanctionable acts. Sanctionable acts that occur during the program, grant, fiscal, contract, or calendar year include, but are not limited to, the following:
1. failure to rectify a level-one sanction within the time period determined by GOWD;
 2. failure to rectify a level-two sanction within the time period determined by GOWD;
 3. committing multiple sanctionable acts;
 4. failure to rectify reported threats to health and safety of program participants within 60 days of notice. Rectifying health and safety may include investigating a complaint, taking appropriate corrective action, or making referrals to appropriate authorities; or
 5. failure to meet the target on any contracted measure by more than 25 percent of the target for two consecutive years.

XI. Penalties for Noncompliance with Requirements

- A. GOWD may impose penalties on a Board or Agency grantee based on the following criteria as determined appropriate by the GOWD given the totality of the circumstances surrounding the occurrence of the sanctionable act or acts:
1. Severity, nature, duration, and extent;
 2. Previous occurrences of sanctionable acts; and
 3. Efforts by the Board, workforce service provider, or Agency grantee to prevent the occurrence of the sanctionable act, including efforts to:
 - a. obtain technical assistance, training, or other assistance from GOWD;

- b. resolve monitoring findings; and
 - c. prevent potential sanctionable acts.
- B. GOWD may impose penalties for sanctionable acts listed in this policy. Notwithstanding the list of sanctionable acts appearing after each specific level of sanction list in the policy, GOWD may assign a higher or lower sanction level based on the severity or mitigating circumstances surrounding the sanctionable acts.
- C. GOWD may recommend to SWIB, pursuant to provisions O.C.G.A Title 34 Chapter 14, that one or more of the following be imposed on Boards:
 - 1. A reorganization plan for the workforce area;
 - 2. A restructuring of the Board, including decertification of the current Board and with CLEO consultation appointment and certification of a new Board;
 - 3. A designation, redesignation or merger of one or more workforce areas, after consultation with appropriate CLEOs;
 - 4. Any other penalty deemed appropriate by GOWD.
- D. More than one corrective action may be imposed in response to one occurrence of a sanctionable act. The corrective actions imposed for one or more occurrences of sanctionable acts may correlate with the sanction level imposed on a Board or Agency grantee.
- E. A Board's or Agency grantee's failure to complete the corrective actions described in this subchapter within the specified time limits may result in GOWD imposing penalties under this policy and withholding grant payments to the Board or Agency grantee.
- F. Penalties for Second-Year WIA Nonperformance. If a Board fails to meet its targets on 25 percent of its GOWD approved measures by more than 20 percent of target for two consecutive program years, GOWD shall review the performance deficiencies and may make a recommendation to The State Workforce Investment Board that it impose a reorganization plan for the workforce area. GOWD's recommendation to the SWIB for reorganization of a workforce area may include one or more of the corrective actions or penalties included in this policy. Notwithstanding this subsection, GOWD may take other action deemed appropriate as consistent with federal law.
- G. Penalties for Failures Regarding the One-Stop Service Delivery Network. Failure of a Board to ensure the continued operation of a one-stop service delivery network as required by WIA §121 and The One-Stop system section of GOWD's policy and procedure guide, including but not limited to, failure to properly certify and recertify One-Stops, may result in the imposition of penalties as provided in this policy, and GOWD's withholding of payment for any administrative expenses until the Board demonstrates to the satisfaction of GOWD that all of the required elements of a one-stop service delivery network are operational.
- H. Complaints and Reports of Criminal Fraud and Abuse. Pursuant to 20 CFR 667.630 information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Departments Incident Reporting System to the United States Department of Labor Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW., Washington, D.C. 20210, or the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration.

XII. Sanction Determination

- A. The director of the Governor's Office of Workforce Development determines whether a sanction shall be imposed, including whether it is appropriate to impose a sanction level on the Board or Agency grantee and whether it is appropriate to assign a penalty.
- B. GOWD shall work in concert with the SWIB, as appropriate, to impose sanctions as required by O.C.G.A. Title 34 Chapter 14.
- C. GOWD shall send a written notice of sanction determination to the following:
 - 1. Board:
 - a. The Board's executive director or administrative officer;
 - b. The Board's chair; and
 - c. The chief local elected official of the workforce area; or
 - 2. The Agency grantees' executive leadership.
- D. The sanction determination date of notice shall be the date the sanction determination is sent by certified mail. All sanction determinations shall be sent by electronic transmission and by certified mail, return receipt requested.
- E. The sanction determination shall include the following information:
 - 1. the sanctionable act upon which the sanction was based;
 - 2. the sanction level in which the Board or Agency grantee is placed and the conditions under which the sanction may be removed;
 - 3. the penalty and the effective date of the penalty;
 - 4. the corrective action required, including the timeline for completing the corrective action; and
 - 5. the technical assistance contact from GOWD or other entity to assist in completing the corrective action.
- F. GOWD shall send the sanction determination in advance of the effective date of the sanction.

XII. Appeals Process

- A. GOWD's Executive Director shall appoint one or more members of the SWIB Executive Committee to hear and decide appealed decisions. No person shall participate on behalf of GOWD in any case in which he or she is an interested party.
- B. Unless an appeal is withdrawn, the SWIB Executive Committee members appointed to hear the appeal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and initial determination or shall make a decision after hearing on issues referred by GOWD. The parties shall be duly notified of such decision, together with the reasons therefor, which shall be deemed to be the final decision of GOWD.

XIII. The Notice of Appeal

- A. Any Board or Agency grantee dissatisfied with a sanction determination may file in writing a notice of appeal with GOWD, setting forth the name of the Board or Agency grantee and the date of such determination.
- B. A determination establishing a sanction shall be deemed final unless a written appeal is filed within fifteen (15) calendar days after the determination is handed to or mailed to GOWD. An appeal will be considered timely if postmarked, delivered or filed in person within fifteen

(15) days of the mailing date of the determination. For purposes of these rules, a postal meter mark will not be considered to be a postmark.

XIV. The Notice of Hearing

- A. Sanction hearings shall be scheduled promptly and may be conducted in whole or in part by telephone. The SWIB Executive Committee members appointed to hear the appeal shall determine the time, place, and manner in which appeals shall be conducted. The record of a telephone hearing must reflect the consent of the parties to the transacting of the hearing by telephone and that the use of telephonic communications has not jeopardized the rights of any party. In the absence of such consent, an in-person hearing will be scheduled. If any party anticipates a conflict with any possible hearing dates within the next four weeks after the receipt of notice from the department that an appeal has been filed, that party should immediately notify the appeals tribunal of the date(s) of unavailability. Once a hearing has been scheduled, postponement or continuation of the hearing is within the discretion of the administrative hearing officer.
- B. All in-person appeals, except where waiver is given, shall be heard by the SWIB Executive Committee members appointed to hear the appeal at the earliest possible date, but no earlier than seven (7) calendar days after written notice of the time and place is mailed to the interested parties. Hearings conducted telephonically, except where waiver is given, shall be heard by the SWIB Executive Committee members appointed to hear the appeal no earlier than ten (10) calendar days after written notice of the time and place is mailed to the interested parties.
- C. The notice of hearing shall cite the sections of the policy and procedure pertinent to the appeal and include a general statement of the issues involved.

XV. The Hearing

- A. The SWIB Executive Committee members appointed to hear the appeal shall issue notice of the requirement of good faith of conduct in all hearing proceedings prior to accepting testimony and shall conduct the hearing in an orderly manner. The SWIB Executive Committee members appointed to hear the appeal shall develop the record by conducting appropriate inquiries and shall allow each party an opportunity to present its case.
- B. Appeals may be heard at any place designated by the SWIB Executive Committee members appointed to hear the appeal.

XVI. Form and Contents of Decision

- A. A postponement of the hearing may be granted upon request showing providential cause will prevent the attendance of a party. A request for postponement must be made at the earliest practical time and must be made and submitted to GOWD in writing or by facsimile transmission. In the absence of very unusual circumstances, a business engagement will not constitute good cause for postponement. Such requests may be granted or denied at the discretion of the SWIB Executive Committee members appointed to hear the appeal.

PROVIDING NOTICE OF EQUAL OPPORTUNITY AND NONDISCRIMINATION

I. Prohibited Discrimination

No individual in the United States may be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any Title I financially assisted program or activity, on the ground of race, color, religion, sex, national origin, age, disability, or political affiliation or belief and for beneficiaries only, citizenship or participation in any WIA Title I program.

WIA Sec. 188 and 29 CFR Part 37.5

II. Providing Initial and Continuing Notice

A. All recipients receiving financial assistance under Workforce Investment Act Title I (excluding the beneficiaries of WIA programs or activities) must provide initial and continuing notice that it does not discriminate on any prohibited ground.

B. Recipients for the purpose of equal opportunity and nondiscrimination regulations include, but are not limited to:

1. State level agencies that administer, or are financed in whole or in part by WIA Title I funds;
2. State Employment Security Agencies;
3. State Workforce Investment Boards;
4. WIA grant recipients such as service providers and eligible training providers;
5. One-stop operators; and
6. One-stop partners (by inclusion in one-stop centers)

C. Notice must be provided to:

1. Registrants/applicants and eligible applicants/registrants;
2. Participants;
3. Applicants for employment and employees in WIA funded programs;
4. Unions or professional organizations that hold collective bargaining or professional agreements with the recipient; and
5. Members of the public, including those with impaired vision, hearing or Limited English Proficiency.

Recipients must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others.

WIA Sec. 188; 29 CFR Part 37 and 20 CFR 667.600

D. "Equal Opportunity is the Law" Poster

The posters, which are printed in English and Spanish, must be posted in prominent areas of the agency to provide notice of equal opportunity and nondiscrimination.

E. Accessibility

The International symbol for accessibility should be shown directing individuals to an accessible entrance or address of the nearest accessible office and the telephone number to call if an accommodation is needed to receive services and the information incorporated in the Methods of Administration Element V.

F. Language Assistance

If the customer is unable to identify the language in which they need assistance, the Network Omni Language Line can help to identify the language the customer is speaking.

G. "Equal Opportunity is the Law" Signature Form

1. All individuals registered in WIA should read, understand and sign the complaint

- procedure signature form with a copy to the individual and a copy in their file.
2. Service providers are required to provide the complaint procedure signature form to all current employees (WIA partially or fully funded positions) and ensure that all new employees receive this form when they begin employment (again WIA partially or fully-funded positions). All employees should read, understand and sign the complaint procedure form. Furnish a copy to the employee and place a copy in their personnel file.
 3. Applicants for WIA services or applicants for employment with the recipient are covered by the appropriate display of posters.
 4. The new complaint signature forms are printed in English only. This office will have a Spanish version that can be duplicated for service providers in an area that has a substantial number of participants that would require notification in that language.
 5. Orientation presentations to new participants, new employees and/or the general public to its WIA Title I financially funded program must include a discussion of rights under the nondiscrimination and equal opportunity provisions of the Workforce Investment Act.

III. Publications

Recipients of Workforce Investment Act funds must provide notice that WIA Title I financially assisted programs or activities are an **“equal opportunity employer/program”** and that **“auxiliary aids and services are available upon request to individuals with disabilities”** in recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, clients, or the public at large, to describe programs financially funded through WIA Title I.

Recipients that publish or broadcast WIA Title I program information on news media must ensure that such publications and broadcasts state that the program or activity is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIA Title I financially assisted program or activity is prohibited by Federal law) and indicate that auxiliary aids and services are available upon request to individuals with disabilities.

Where materials indicate that the recipient may be reached by telephone, the materials must state the telephone number of the TTY or relay services used by the recipients.

29 CFR Part 37.34

IV. Notification of Grievance Due Process

All WIA Title IB and National Emergency Grant participants must be provided information about their right to file a grievance within one year of the alleged occurrence and the opportunity for an informal resolution that may include a hearing within sixty days of filing the grievance. Verification of notification must be included in all adult, youth and dislocated worker program participant files.

20 CFR Part 667.600

LOCAL WORKFORCE INVESTMENT AREA

The Workforce Investment Act gives local workforce boards broad authority and responsibility for designing local workforce systems and delivering services in a manner designed to best achieve the goals of WIA based on the area's particular workforce needs.

In Georgia, there are 12 State Service Delivery Regions and 20 Local Workforce Investment Areas. In each of the 20 local areas there is a local Workforce Investment Board responsible for designing local One-Stop workforce systems that are employer-led, demand-driven, customer-friendly, and continuously improving. Each area has at least one comprehensive One-Stop Center providing a wide range of workforce services.

The LWIB Directory contains current information on Chief Local Elected Official (CLEO), LWIB Chair and LWIA Executive Director and is updated quarterly by GOWD. The following procedure is used to update all LWIB contact information.

1. GOWD intern will call all 20 local areas quarterly to confirm the four board position: CLEO, LWIB Chair, LWIA Executive Director, and Grant Administrator. All contact information will be confirmed as well. GOWD intern will call in February, May, August, and November for updates.
2. GOWD intern will update the W drive LWIB Directory with any changes at that time. GOWD intern will then send an email out to all GOWD staff informing them the quarterly check has been completed and the LWIB Directory on the W drive has been updated as of that date.
3. This email will serve as notification to the Compliance Team that they need to make the same updates to their document, the Unified LWIB(s) Contact Document. The Compliance Team will make all future updates on the 8 1/2 x 11 version of this document.
4. This email will also serve as notification to the Data and Information Team that they need to make the necessary updates to the WIA Find Your Local One-Stop Center link www.wfia.cybernetixs.com on GOWD's website, www.workforce.georgia.gov.
5. Once the Compliance Team has updated the Unified LWIB(s) Contact Document, they will send an email to GOWD staff to notify that the document has been updated on the W drive as of that date.
6. The Compliance Team will make two (2) hard copies of the Unified LWIB(s) Contact Document (size 8 1/2 x 11) and give to GOWD intern.
7. GOWD intern will make two (2) copies of the LWIB Directory.
8. GOWD intern will place a copy of the Unified LWIB(s) Contact Document and the LWIB Directory in GOWD Executive Director's binder, and a copy of each in the Executive Assistant to the Executive Director's binder.

QUALITY CONTROL

I. Expectations

Georgia receives WIA funding from the Employment and Training Administration (ETA) based on achieving negotiated performance. ETA's expectations are that work is done in a timely manner and correctly reported on a quarterly basis. ETA reserves the right to sanction any state that does not meet negotiated performance or reporting is consistently incorrect, as verified through the data validation process.

Many aspects of daily work for WIA programs affect performance reporting for WIA programs. As part of quality control, GOWD will review these functions to determine whether service providers are adequately and appropriately meeting deadlines and documentation requirements.

A. Data Entry

Timely data entry affects performance reporting and GOWD staff workload if information needs to be backdated. GOWD requires notification if data entry cannot be accomplished within **seven (7) working days**. Timely data entry will be determined based on files reviewed at random times and during desk reviews prior to monitoring visits.

B. Correct Data Entry

Correct data entry affects performance reporting and GOWD staff resources assigned to make corrections to data in Georgia Workforce System (GWS). Data entry problems include missing fields from the WIA Application. The WIA Application is the only source of documentation for many fields required for quarterly reporting to ETA. ETA compiles statistics on demographic data for different WIA populations to determine how they are effectively being served through the program. Incorrect data skews these statistics and does not show an accurate representation of service to WIA participants. Data in GWS should be checked before hitting the Save button to ensure that correct data has been entered in GWS. Incorrect data problems will be identified during monitoring visits.

C. Appropriate Documentation

Many elements of WIA enrollment require appropriate documentation be placed in participant files. Documentation sources can be identified on the WIA Application or the program verification worksheets. Missing documentation will be identified during monitoring visits.

D. Credential Records

The Youth program "Attainment of a Degree or Certificate" performance measure requires the recording of a credential attained during the participant's enrollment or within three quarters after exit. Credentials must be documented using a transcript, certificate, diploma, or a letter from an appropriate school system. If there is not a specific date on the credential (i.e., May 2012), the actual date must be case noted. If not recorded, credentials will not be counted for performance reporting. Deficiencies in credential entry will be identified through quarterly reporting and monitoring.

There is no performance measure relating to attainment of a credential for Adult or Dislocated Worker performance. However, attainment of a credential is a data element required for quarterly reporting for these programs. Credentials earned by Adult and Dislocated Worker participants must be collected. Deficiencies in credential entry will be identified through monitoring.

E. Follow-Up Contact

Follow-up information is used for performance reporting in cases where unemployment insurance or federal wage records are not found. Follow-up contact is required for all Youth participants, and for Adult and Dislocated Worker participants

who exit to employment. Follow-up contact information can be used for three common measures performance measures:

- **Entered Employment:** Follow-up contact is used for participants employed during the first quarter after exit (Adult, Dislocated Worker, and National Emergency Grant performance).
- **Employment Retention:** Follow-up contact is used for participants employed during the first, second, and third quarters after exit (Adult, Dislocated Worker, and National Emergency Grant performance).
- **Placement in Employment or Education:** Follow-up contact is used for Youth participants who are in employment or post-secondary education/advanced training/occupational skills training during the first quarter after exit.

Follow-up contact is required to be recorded. The information should state the employer name, address, phone number, and job title if the participant is employed. If the participant is in some type of training after being exited, a brief description should be noted.

Follow-up contact is the only source for verifying that a Youth participant is in some type of training after they are exited from the WIA Youth program. Therefore, it is very important that this information be recorded.

Deficiencies in completing follow-up contact will be identified through monitoring.

II. Deficiency Consequences

ETA has the option of sanctioning states for not meeting acceptable performance. Acceptable performance depends on information entered correctly in GWS and appropriate documentation placed in participant files. Deficiencies in any of the above areas will result in a service provider being placed on corrective action. If deficiencies are identified after a provider has been placed on corrective action, a portion of WIA funding may be revoked.

Problems with any of the above functions may be identified through monitoring or through day-to-day functions. GOWD will determine whether there are errors for any of the areas identified above, and whether they are substantial enough to warrant corrective action or possible sanction.

The following table shows the progression for determining deficiencies:

Baseline: PY 2012 monitoring/incidental Findings	<p>GOWD staff will identify any monitoring findings and discuss these with local areas during exit interview. Deficiencies will be noted on monitoring reports after onsite review.</p> <p>Incidental findings will be discussed with local areas as problems are identified.</p>
Corrective Action: Second year monitoring/incidental Findings	<p>GOWD staff will identify monitoring findings that have not been resolved from the previous year's monitoring or continue to be an issue. Local areas may be placed on corrective action notice if there are unresolved problems or issues that continue to occur.</p> <p>Incidental findings that continue to occur may result in Local areas being placed on corrective action.</p>

Sanctioning: Year three monitoring/incidental Findings	Monitoring or incidental findings that have not been resolved from the previous year or continue to occur may result in sanctioning of a service provider.
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GOWD will provide technical assistance to any provider deemed deficient in any of the problem areas identified above. GOWD may also request technical assistance from USDOL for help in resolving identified problems. Service providers are always encouraged to ask questions or ask for help from GOWD or any other service provider.

III. Quality Control Improvement

There are several options to improve quality of the requirements for each of the functions listed above. These options include but are not limited to the following:

- A. A peer to peer review to improve quality control for all areas identified above. This provides the ability to correct data and can serve as a learning tool for providers.
- B. Mini-Technical Assistance and Training (TAT) sessions are available to any service provider who wants or needs technical assistance.
- C. Statewide technical assistance (TAT) sessions are held yearly to share information and best practices.
- D. New Case Manager training is provided periodically by GOWD staff to acquaint case managers with program management and data requirements related to the above functions.
- F. Requests to program managers or management information staff for help.

REQUESTS FOR RE-DESIGNATION OF LWIA

If a county would like to be re-designated as part of a new Local Workforce Investment Area, they must document completion of several steps locally before officially submitting a request to the Governor's Office of Workforce Development.

1. Any county requesting designation as part of a new LWIA must be contiguous to at least one county in the new LWIA. Any requests from non-contiguous county will be denied upon submission.
2. All counties must request recognition and approval from the Local Elected Officials of the LWIA they are petitioning to join. This must be completed formally before a LEO meeting and must include documentation justifying the request. This documentation can include lack of accessibility of services, geographic or population characteristics, or other data-driven reasons. All reasons should contain material support.
3. The LEO board should vote on whether or not to approve the request during the course of the meeting. This vote must meet quorum and a majority will carry the vote. Meeting minutes must reflect both these requirements.
4. After the LEOs of the new LWIA have approved the acceptance of the new counties, the LWIA must petition the Governor's Office of Workforce Development for recognition of this particular group of counties as an LWIA. GOWD will review the minutes from the LEO meeting as well as the justification documentation provided by the county. GOWD will render a decision based on this information.
5. If GOWD approves this request, notification will be sent to both the newly designated LWIA and the LWIA whose county make-up will be impacted by this re-designation. GOWD will schedule a conference call with all parties involved to begin the process of transitioning both available funds as well as program participants. A schedule will be developed and followed during the course of the transition.

CONFLICTS OF INTEREST

Effective January 1, 2013, the CLEO's, the Local Workforce Area Director, Chairperson and members of each Local Workforce Investment Board shall be required to sign and file an affidavit with the Governor's Office of Workforce Development stating that HE/SHE "took no official action which had a material effect on such board member's/CLEO's/Local Area Director's private financial or business interests in the previous certification period." This affidavit must be filed on or before January 31 of each year of recertification and covers the preceding certification period for existing CLEOs, Area Directors, and Board Members. New CLEOs, Area Directors, and Board Members must file the affidavit by March 31 of their first year in office.

Effective May 6, 2013, Local Workforce Investment Boards will be prohibited from including any members that represent an entity that has a current contract with the Local Workforce Investment Area. All on-the-job and incumbent worker training contracts, as well as contracts with all state controlled educational entities and other state agencies will be exempt from this policy.

LOCAL WORKFORCE INVESTMENT BOARD CERTIFICATION

GOWD will conduct LWIB Certification every two years. The certification process will take place as a desk review, assigned to the on-site programmatic monitor for the local area. LWIB Certification will ensure that all LWIBs are in compliance with federal regulations and O.C.G.A. Title 34 Chapter 14 (H.B. 393) standards. The following documents will be requested from each local area: the most current LWIB roster, the most current by-laws, a complete list of current one-stop partners, and meeting minutes from at least the two previous program years.

Once the documents are examined, GOWD will provide a Notice of Final Report (NFR) which will detail any findings and observations. Local Areas shall be required to submit a Corrective Action Report (CAR) to all findings within thirty (30) days of receipt of the NFR. If a local area is unable to complete a Corrective Action, notification and written support should be provided to GOWD within the same time frame. GOWD will then determine if adequate effort was taken to correct the board deficiency, if so, GOWD will offer technical assistance. If adequate effort was not made to correct the deficiency, then additional sanctions may be administered. Sanctions may include but are not limited to board de-certification.

GRANT ADMINISTRATION

The Grant Administrator is responsible for identifying to the sub-recipient the Federal and/or State award information, monitoring the sub-recipients activities, ensuring required audits are performed and requiring corrective action on audit findings, and evaluating the impact of sub-recipients activities on GOWD's ability to comply with applicable Federal and/or State regulations.

FIVE YEAR PLAN SUBMISSION

The State Workforce Investment Board, appointed by the Governor, facilitates the development and submission of a five year plan which addresses two or more of the programs or activities specified at WIA Section 501(b)(2). An approved Workforce Investment Plan is required in order for states to receive formula allotments under WIA Title I.

STATE APPLICATION FOR FEDERAL ASSISTANCE

Applicants are required to use a standard form (SF-424) as a factsheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, and have been given an opportunity to review the applicant's submission.

ASSURANCES AND CERTIFICATIONS

- I. As recipients of WIA Title IB adult, youth, and dislocated worker funds, local workforce areas must obtain and have posted the following certifications and assurances.
 - A. Certification Regarding Lobbying (29 CFR Part 93)
 - B. Drug-Free Workplace Requirements Certification (29 CFR Part 98)
 - C. Nondiscrimination And Equal Opportunity Assurance (29 CFR Part 37)
 - D. Certification Regarding Debarment, Suspension, And Other Responsibility Matters Primary Covered Transactions (29 CFR Part 98)
 - E. Standard Assurances For Non-Construction Programs

All recipients of WIA Title IB funds including local workforce areas, eligible training providers, on-the-job training and work experience worksites and participants are made aware of the certifications and assurances.

All grants, Memorandum of Understanding or Agreement, provider agreements or any other formal contract paid in full or in part with WIA Title IB funds must contain the following assurances or, at a minimum must be referenced.

A. Certification Regarding Lobbying

As the duly authorized representative, the Grantee certifies that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to

any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form – LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.

3. The Grantee shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, provider agreements, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

B. Certification Regarding Drug-Free Workplace Requirements

As the duly authorized representative, the grantee certifies that it will provide a drug-free workplace by:

1. Publishing a statement, signed by the authorized authority, notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee’s workplace and specifying the actions that will be taken against employees for violations of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee’s policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. Penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
3. Making it a requirement that each employee engaged in or that plans to engage in the performance of WIA federally funded grants be given a copy of the statement required by paragraph (1);
4. Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will:
 - a. Abide by the terms of the statement; and
 - b. Notify the employer in writing of his or her conviction for violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
5. Notifying GOWD in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is convicted:
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act

- of 1973, as amended; or
- b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- 7. Ensure that all recipients of WIA Title IB funds including participants, service and training providers provide notification that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited at service and training provider sites and specify the actions that will be taken against employees for violations of such prohibition;
- 8. Making a good faith effort that the Grantee and provider worksites maintain a drug-free workplace through implementation of paragraphs (1)-(7).
- C. Nondiscrimination And Equal Opportunity Assurance
 - 1. As the duly authorized representative the Grantee assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:
 - a. WIA Equal Opportunity and Nondiscrimination Regulations 29 CFR Part 37 and Section 188 of the Workforce Investment Act of 1988 which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title IB financially assisted program or activity;
 - b. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
 - d. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
 - e. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs; and
 - 2. This assurance applies to the Grantee's operation of the WIA Title IB financially assisted program or activity, and to all agreements the Grantee makes to carry out the WIA Title IB financially assisted program or activity. The Grantee understands that the Grantor has the right to seek judicial enforcement of this assurance.
- D. Certification Regarding Debarment, Suspension, And Other Responsibility Matters

As the duly authorized representative the Grantee certifies to the best of its knowledge and belief, that it and its principals:

 - 1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transaction by any Federal department or agency;
 - 2. Have not within a three-year period preceding this proposal been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
 - 3. Are not presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in certification; and
 - 4. Have not within a three-year period preceding this application/proposal had one or more

public transactions (Federal, State or local) terminated for cause or default.

E. Assurances – Non-Construction Programs

As the duly authorized representative the Grantee certifies that this agency:

1. Has the legal authority and the institutional managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of WIA Title IB programs.
2. Will give the Comptroller General of the United States and the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to WIA Title IB programs; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete work relating to financial and management information system reporting requirements within acceptable times frames.
5. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) all other laws incorporated into or referenced in the Workforce Investment Act of 1998, including, Title VI of the Civil Rights Act as amended; (b) Title IX of the Education Amendments of 1972, as amended; (c) Section 504 of the Rehabilitation Act as amended; (d) the Age Discrimination Act of 1975, as amended; (e) the Drug Abuse Office and Treatment Act of 1972 (PL 91-616) as amended; (f) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 DD.3 AND 290 EE.3) as amended, relating to confidentiality of alcohol and drug abuse patient records; (g) Title VIII of the Civil Rights Act of 1968 as amended; (h) Military Selective Service Act; (i) Nontraditional Employment for Women Act; and (j) Department of Labor Federal Regulations at 29 CFR Parts 34 and 1604.
6. Will comply with Federal regulation 20 CFR 652, et al., regarding the retention of records;
7. Will certify if requested, in accordance with 29 CFR Part 98, Section 98.510, that neither it nor its one-stop operators, service providers or training providers are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
8. Will comply as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a. to 276a. 7), the Copeland Act (40 U.S.C. 276c. and 18 U.S.C. 874, and the Contract Work Hours and Safety Standards Act (40.327-333), regarding labor standards for federally assisted construction sub-agreements.
9. Will comply with the provisions of the Hatch Act (U.S.C. 1501-1508 and 7324-7328), which limit political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
10. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.
11. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing WIA Title IB programs.

II. Certifications and Assurance given by signature of the State Plan

- A. The methods used for joint planning and coordination of the programs and activities included in the Unified Plan included an opportunity for the entities responsible for planning or administering such programs and activities to review and comment of all portions of the Unified Plan.
- B. The grantee has filed the Government-wide standard assurances for non-construction programs.
- C. The State assures that it will establish, in accordance with section 184 of the Workforce Investment Act, fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid

- to the State through the allotments made under sections 127 and 132.
- D. The State assures that it will comply with section 184(a)(6), which requires the Governor to, every two years, certify to the Secretary, that –
 - 1. the State has implemented the uniform administrative requirements referred to in section 184(a)(3);
 - 2. the State has annually monitored local areas to ensure compliance with the uniform administrative requirements as required under section 184(a)(4); and
 - 3. the State has taken appropriate action to secure compliance pursuant to section 184(a) (5).
 - E. The State assures that the adult and youth funds received under the Workforce Investment Act will be distributed equitably throughout the State, and that no local area will suffer significant shifts in funding from year to year during the period covered in this Plan.
 - F. The State assures that veterans and eligible spouses will be afforded employment and training activities authorized in section 134 of the Workforce Investment Act, and the activities authorized in chapters 41 and 42 of title 38 U.S. Code. The State assures that it will comply with the veterans priority established in the Jobs for Veterans Act.
 - G. The State assures that the Governor shall, once every two years certify one Local Board for each local area in the State.
 - H. The State assures that it will comply with the confidentiality requirements of section 136(f) (3).
 - I. The State assures that no funds received under the Workforce Investment Act will be used to assist, promote or deter union organizing.
 - J. The State assures that it will comply with the nondiscrimination provisions of section 188, including an assurance that a Methods of Administration has been developed and implemented.
 - K. The State assures that it will collect and maintain data necessary to show compliance with the nondiscrimination provisions of section 188.
 - L. The State assures that it will comply with the grant procedures prescribed by the Secretary (pursuant to the authority at section 189(c) of the Act) which are necessary to enter into grant agreements for the allocation and payment of funds under the Act. The procedures and agreements will be provided to the State by the ETA Office of Grants and Contract Management and will specify the required terms and conditions and assurances and certifications, including, but not limited to, the following:
 - 1. General Administrative Requirements:
 - a. 29 CFR part 97 – Uniform Administrative Requirements for State and Local Governments (as amended in the Act)
 - b. 29 CFR part 96 (as amended by OMB Circular A-133) – Single Audit Act
 - c. OMB Circular A-87 – Cost Principles (as amended by the Act)
 - 2. Assurances and Certifications:
 - a. SF 424 B – Assurances for Non-construction Programs
 - b. 29 CFR part 37 – Nondiscrimination and Equal Opportunity Assurance (and regulation) 29 CFR 37.20
 - c. CFR part 93 – Certification Regarding Lobbying (and regulation)
 - d. 29 CFR part 98 – Drug Free Workplace and Debarment and Suspension Certifications (and regulations)
 - 3. Special Clauses/Provisions:
Other special assurances or provisions as may be required under Federal law or policy, including specific appropriations legislation, the Workforce Investment Act, or subsequent Executive or Congressional mandates.

- M. The State certifies that the Wagner-Peyser Act Plan, which is part of this document, has been certified by the State Employment Security Administrator.
- N. The State certifies that veterans' services provided with Wagner-Peyser Act funds will be in compliance with 38 U.S.C. chapters 41 and 20 CFR 1001.
- O. The State certifies that it will comply with the MSFW significant office requirements in accordance with 20 CFR 653.
- P. The State certifies it has developed this Plan in consultation with local elected officials, Local Workforce Boards, the business community, labor organizations and other partners.
- Q. As a condition to the award of financial assistance from the U.S. Department of Labor under title 1 of WIA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:
 - 1. Section 188 of the Workforce Investment Act of 1998 (WIA), which prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA title 1-financially assisted program or activity.
 - 2. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discriminations on the basis of race, color and national origin; Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
 - 3. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
 - 4. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs;
 - 5. The grant applicant also assures that it will comply with 29 CFR 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.
- R. The State assures that funds will be spent in accordance with the Workforce Investment Act and their regulations, written GOWD guidance implementing these laws, and all other applicable Federal and State laws.
- S. Vocational Rehabilitation
 - As the duly authorized representative the Grantee certifies that this agency:
 - 1. As a condition for the receipt Federal funds under title 1, part B of the Rehabilitation Act for the provision of vocational rehabilitation services, the designated State agency agrees to work with the State Department of Human Services in accordance with provisions of this title I State Plan, the Act and all applicable regulations, policies and procedures established by the Secretary. Funds made available under section 111 of the Act are used solely for the provision of vocational rehabilitation services under title I and the administration of the title I State Plan, through the applicable State agency.
 - 2. As a condition of the receipt of Federal Funds under title VI, part B of the Act for supported employment services, the designated State Agency agrees to work with the Georgia Department of Labor to assist the State Supported Employment Services Program in accordance with the provisions of the supplement to this State Plan, the Act and all Applicable regulations, policies, and procedures established by the Secretary. Funds made available under title VI, part B are used solely for the provision of supported employment

- services and the administration of the supplement to the title I State Plan.
3. The designated State agency or designated State unit is authorized to submit this State Plan under title I of the Act and its supplement under title VI, part B of the Act.
 4. The State submits only those policies, procedures, or descriptions required under this State Plan and its supplement that have not been previously submitted to and approved by the Commissioner of the Rehabilitation Services Administration.
 5. The State submits to the Commissioner at such time and in such manner as the Secretary determines to be appropriate, reports containing annual updates of the information relating to the: comprehensive system of personnel development; assessments, estimates, goals and priorities, and reports of progress; innovation, and expansion activities; and requirements under title I, part B or title VI, part B of the Act.
 6. The State Plan and its supplement are in effect subject to the submission of such modifications as the State determines to be necessary or as the Commissioner may require based on a change in State policy, a change in Federal Law, including regulations, an interpretations of the Act by a Federal court or the highest court of the State, or a finding by the Commissioner of State noncompliance with the requirements of the Act until the State submits and receives approval of a new State Plan or Plan supplement.

FINANCIAL

The financial section relates to the functions dealing with the monthly, quarterly, and yearly accounting and reporting requirements. In order to facilitate the orderly, timely, and accurate accounting, reporting, and auditing of federal and state grant transactions, the Office of Planning and Budget in conjunction with the State Accounting Office Grant Manager, and GOWD will strive to ensure the following:

1. An effective tracking system is initiated by routing all approved grants (with an original document) to the Office of Planning and Budget, Administration Division.
2. Appropriate budgetary and accounting controls are in place to separately identify grant transactions.
3. Appropriate administrative controls are in place to ensure that costs claimed are in compliance with appropriate grant requirements.

PROGRAM PERFORMANCE REPORTING

Program Performance reporting and record keeping is contracted with the Georgia Department of Labor as a partner for submitting WIA quarterly ETA-9090, WIA annual ETA-9091 and WIASRD reports to USDOL.

DATA ELEMENT VALIDATION

Data Element Validation is the process used by the Employment and Training Administration (ETA) that requires states to validate the accuracy of their annual submissions to ensure that ETA decisions about WIA policy and funding are made based on a true picture of program outcomes.

GOWD is required to conduct annual “Data Element Validation” for WIA Title 1B Adult, Dislocated Worker, National Emergency Grant, and Youth programs. Data validation does not apply to the State Displaced Homemaker program.

I. Data Element Validation

- A. Data element validation is not the same as MIS monitoring, although much of the same data is reviewed. MIS monitoring is conducted for a specific program year, and the review includes both active participants and participants exited during that program year. MIS monitoring helps ensure that correct information is being captured for performance reporting and future data element validation.
- B. Results of the annual data validation review will compare state performance to performance goals. If Georgia’s validation does not pass this process within acceptable error limits, future funding for WIA programs could be cut. Results of data element validation will be shared with service providers.
One positive result of the data validation process will be the detection and identification of specific problems with GWS reporting, which enables GOWD to correct data collection and data entry problems. Once the problems are corrected, the process ensures that critical performance data used to distribute performance incentive funds and sanction poor performance are reasonably accurate by calculating an error rate for selected data elements. Clean data also allows the US Department of Labor and GOWD to better analyze the causes of performance successes and failures.
- C. Data element validation is conducted at each local workforce area. GOWD produces a data extract from GWS based solely on exited participant data from a three-year period. There are many fields checked in data element validation. Each data element is listed on a data validation worksheet and marked as “pass” or “fail,” depending on supporting documentation for the data element.

Many fields checked in data element validation come directly from the WIA Application. It is critical to have the WIA Application totally completed and signed by the participant. Please see the following website for specific requirements of acceptable documentation for Data Element Validation:

http://www.doleta.gov/Performance/Reporting/docs/WIA_72/DRVS_WIA_72_UserGuide.pdf

II. The Data Element Validation Schedule

- A. Review period in service provider offices: October-January
- B. Data Element Validation: Due to USDOL February 1 each year

WAIVERS

The purpose of the general statutory and regulatory waivers is to provide flexibility to states and local areas and enhance their ability to improve the statewide workforce investment system. A full list of current waivers through the GADOL is featured at <http://waivers.doleta.gov/waiversearchadvanced.cfm>.

- I. Workforce Investment Areas may request waivers to address impediments to the implementation of the strategic plan, including the continuous improvement strategy, consistent with key principles of WIA. These key principles include:
 - A. Streamlining services and information to participants through a one-stop delivery system;
 - B. Empowering individuals to obtain needed services and information to enhance their employment opportunities;
 - C. Ensuring universal access to core employment-related services;
 - D. Increasing accountability of state, localities, and training providers for performance outcomes;
 - E. Establishing a stronger role for the private sector;
 - F. Providing increased state flexibility to implement innovative and comprehensive workforce investment systems; and
 - G. Improving youth programs through services that emphasize academic and occupational learning.
- II. Exceptions to Waivers

The Secretary may waive any of the statutory or regulatory requirements of WIA Title IB with the exception of the following:

 - A. Wage and labor standards;
 - B. Non-displacement protections;
 - C. Worker rights;
 - D. Participation and protection of workers and participants;
 - E. Grievance procedures and judicial review;
 - F. Nondiscrimination;
 - G. Allocation of funds;
 - H. Eligibility of providers and participants;
 - I. Establishment and function of local areas;
 - J. Procedures for review and approval of State plans; and
 - K. Priority of service.

20 FR Part 661.410

III. Waiver Request

A participant, service provider, eligible training providers or the State Workforce Investment Board may request a waiver; however it is only the Governor that may request the waiver from the Secretary. The waiver request may be for the entire State or for local workforce investment areas.

Waiver requests must include:

- A. Statutory or regulatory requirements of the waiver;
- B. Actions taken by the State to remove State statutory or regulatory barriers;
- C. Goals of the waiver and expected programmatic outcomes if waiver is approved;
- D. Description of how the State will monitor the progress in implementing the waiver;
- E. Provide notice of the waiver to the workforce areas affected by the waiver;
- F. Provide areas affected by the waiver the opportunity to comment on the waiver request; and
- G. Insure meaningful public comment by business and organized labor.

The State should receive a decision on a waiver request from the Secretary within 90 days after the receipt of the original request.

IV. Process for Submitting a Waiver Request

- A. All requests for waivers of statutory or regulatory requirements must first be submitted to GOWD;
- B. Requests must be in writing and contain sufficient information which includes: where, why, how, when. Any lack of information may result in a delay or denial of the waiver; and
- C. GOWD will work with the Governor to submit the waiver request.

V. Process for Submitting a Statewide Waiver Request

GOWD may approve or disapprove certain requests for waivers that are not submitted to USDOL. Statewide waiver requests must be submitted to GOWD who will review the request to determine if the request affects performance standards or as specifically stated in law or regulation. Examples of statewide waiver requests may be:

- A. Findings of monitoring; and
- B. Eligible training issues such as out-of-state providers or time frames for getting providers on the State list for the participant's training.

GRANT ADMINISTRATION

The Grant Administration section overviews grant administration from the Governor's Office of Workforce Development to the Local Workforce Areas as the sub recipient grantee. It includes policy on WIA Administrative Standards, Service Provider Selection Process & Provider Agreements and Performance Incentives Awards.

WIA ADMINISTRATIVE STANDARDS

All recipients and sub recipients including contractors and service providers receiving Workforce Investment Act funds must operate under WIA law and regulations that prohibit certain activities. Activities in any of these prohibited areas will be cause for disciplinary measures and the possible de-obligation of funds.

I. Conflict of Interest

- A. Each recipient and sub recipient shall avoid organizational conflict of interest, and their personnel shall avoid personal conflict of interest and appearance of conflict of interest in awarding financial assistance, and in the conduct of procurement activities involving funds under the Act;
- B. Neither the recipient nor sub recipient shall pay funds under the Act to any nongovernmental individual, institution or organization to conduct an evaluation of any program under the Act if such individual, institution or organization is associated with that program as a consultant or technical advisor;
- C. Each recipient and sub recipient shall maintain a written code of standards of conduct governing the performance of persons engaged in the award and administration of WIA contracts and provider agreements;
- D. Each recipient and sub recipient shall ensure that no individual in a decision making capacity including Workforce Investment Board members (whether compensated or not) shall engage in any activity, including participation in the selection, award, or administration of a provider agreement or contract supported by WIA funds if a conflict of interest, real or apparent, would be involved. Such conflict would arise when the individual; any member of the individual's immediate family; the individual's partner; or an organization that employs, or is about to employ, any of the above has a financial or other interest in the firm or organization selected for award;
- E. The officers, employees, or agents of the agency making the award will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to provider agreements; and
- F. To the extent permitted by State or local law or regulation, such standards of conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the awarding agency's officers, employees, or agents, or by contractors or their agents.

II. Lobby Activities

- A. No funds provided under the Act may be used in any way to attempt to influence in any manner:
 - 1. A member of Congress, an officer or employee of Congress, or an employee of a member of Congress to favor or oppose any legislation or appropriation by Congress; or
 - 2. State or local legislators to favor or oppose any legislation or appropriation by such legislators. Communications and consultation with state and local legislators for purposes of providing information such as on matters necessary to provide compliance with the Act shall not be considered lobbying, however, all such actions must be in compliance with O.C.G.A. 21-5-70.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any member of Congress that may be connected to Federal contracts, grants, loan or cooperative agreement relating the Act, a standard form – LLL, “Disclosure Form to Report Lobbying” shall be completed and submitted in accordance with its instructions.

Certification regarding lobbying language must be included in all award documents for all sub-awards at all tiers (including subcontracts, provider agreements, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

Submission of certification regarding lobbying is a pre-requisite for making or entering into this transaction imposed by Section 1352, Title 31, and U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000

for each such failure.

29 CFR 93

III. Political Activities or Patronage

A. Political Activities

1. No recipient, subrecipient or participant may engage in partisan or nonpartisan political activities during hours for which the individual is paid with WIA funds;
2. No recipient, subrecipient or participant may, at any time, engage in partisan or nonpartisan political activities in which such individual represents himself/ herself as a spokesperson of the WIA program;
3. No participant may be employed or out-stationed in the office of a member, a State or local legislator or on any staff of a legislative committee;
4. No participant may be employed or out-stationed in the immediate office of any chief-elected official (or officials, if the office of chief executive is shared by more than one person) of a State or unit of general local government, except that:
 - a. Units of local government in rural areas may employ participants in such positions provided that documentation is presented to and approved by the State Administrative Entity prior to employment, which makes clear that such positions are nonpolitical; and
 - b. Where positions are technically in such office, but are actually program activities not in any way involved in political functions, documentation attesting to the nonpolitical nature of the positions is to be provided to the State Administrative Entity for approval prior to enrollment of participants in such positions.
 - c. . Where Adult and Youth participants are enrolled in work experience.
5. No participant may be employed or out-stationed in positions involving political activities in the offices of other elected executive officials. However, since under the responsibility of such elected officials are non-political activities, placement of participants in such nonpolitical positions is permissible.
6. Persons governed by Chapter 15 of Title 5, United States Code, the Hatch Act, shall comply with its provisions as interpreted by the United States Office of Personnel Management. These provisions apply:
 - a. To persons (including participants) employed by state and local government in the administration of the WIA program; and
 - b. Generally to any participant whose principle employment is in connection with an activity finance by other federal grants or loans.
7. Persons must also comply with provisions of O.C.G.A. § 21-5-30.2

IV. Kickback/Fees

No officer, employee or agent of any recipient or sub-recipient shall solicit or accept gratuities, favors or anything of monetary value from any actual or potential sub-recipient or contractor.

41 U.S.C. 53 and O.C.G.A. § 45-10-1

V. Charging of Fees

Nothing in this section shall be interpreted as prohibiting the recipient or sub-recipient from entering into an agreement for the purpose of obtaining outreach, recruitment and/or intake services, and placement of participants into unsubsidized jobs as part of its approved plan, provided the individuals served are not charged a fee.

WIA Sec. 195(5)

VI. Nepotism

Nepotism is an unfair practice that occurs when hiring or delivery of program services is based on personal connections, rather than ability or merit. An example of nepotism is when people in power give positions in a government or organization to their relatives or friends, rather than to any individual who is well qualified.

All recipients and sub-recipients (e.g., service providers, contractors) shall comply with applicable federal, state, and local nepotism laws.

O.C.G.A. § 45-10-1 and 3

No individual may receive WIA services directly from any staff that has a personal relationship or is a member of that person's immediate family. For Georgia's WIA programs personal relationship means domestic partners and immediate family means: wife, husband, children, daughter-in-law, son-in-law, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, step-grandparents, spouse's grandparents, spouse's step-grandparents, step-children, step-parents, brothers, sisters, and step-brothers and step-sisters of the customer. When relationships such as those listed above or others that may be perceived as a relationship exist service providers must use prudent judgment and refer the individual to other staff or another service provider as appropriate.

No individual may be placed in a WIA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual.

WIA Reg. 667.200(g)

VII. Child Labor Laws

All recipients and sub-recipients shall comply with applicable federal, state, and local child labor laws.

WIA Sec. 181 (b) (c); O.C.G.A. Sec. 39; 29 CFR Part 571

VIII. Sectarian Activities

- A. WIA funds may be used to train participants in religious activities when the assistance is provided indirectly through an Individual Training Account.
- B. WIA funds may not be used for employment in the construction, operation, or maintenance of any part of any facility that is used or will be used for sectarian instruction or as a place for religious worship.
- C. WIA funds may be used for the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship if the organization operating the facility is part of a program or activity providing services to WIA participants.

WIA Sec. 188 (a) (3); 20 CFR Part 667.266; and 20 CFR Part 37.6(F) (1) (Reference TEGL 1-05 dated July 6, 2005)

IX. Financial Activities

Criminal Activities, including theft or embezzlement of employment and training funds; bribery; improper inducement; and obstruction of investigations in federally funded employment and training programs are prohibited under criminal provisions at 18 U.S.C. 665 and 666 and O.C.G.A. § 16-10, Article 1. The process for reporting criminal activities is described in WIA Regulations 20 CFR Part 667.630.

X. Funding and Program Restrictions

- A. Funds provided under this Act shall only be used for activities, which are in addition to those, which would otherwise be available in the area in the absence of such funds.
- B. Programs will not impair existing contracts for services or result in the substitution of federal funds for other funds in connection with work that would otherwise be performed, including services normally provided by temporary, part-time or seasonal workers or through contracting such services out.

WIA Sec. 181 (b) (2) (B), 195(2)

- C. WIA Title I funds shall not be used for foreign travel.

20 CFR Parts 667.264

XI. Labor Standards

- A. No participant shall be hired into or remain working in any position when the same or substantially equivalent position is vacant due to a hiring freeze, unless the recipient can demonstrate that the freeze resulted from a lack of funds to sustain staff and was not established in anticipation of the availability of funds under the Act.
- B. Programs will not impair existing:
 - 1. Contracts for services; or
 - 2. Collective bargaining agreements unless the employer and labor organization concur in writing with respect to the elements of proposed activities within 30 days of receipt.
- C. When termination of participants is due to a hiring freeze the service provider shall make an attempt to place such participants into other non-affected positions or attempt placement into unsubsidized jobs or into another program or activity.
- D. Whenever a promotional freeze affects non-WIA funded employees it shall apply to WIA participants similarly employed.
- E. No former employees laid off or terminated in anticipation of WIA funding of a position may be rehired under WIA into such a position.
- F. Participants employed in subsidized jobs shall receive the same benefits and working conditions to the same extent as other employees working similar length of time and doing similar work. No participant shall be hired into a position resulting in the displacement of a currently employed worker (including partial displacement such as a reduction in hours of non-overtime work, wages or employment benefits).
- G. No participant shall receive a promotion that would infringe on any way upon the promotional opportunities of currently employed workers.

WIA Sec. 181 (b)

XII. Unionization/Anti-unionization Activities and Work Stoppages

- A. No individual shall be required to join a union as a condition for enrollment in a program in which only institutional training is provided, unless such institutional training involves individuals employed under a collective bargaining agreement, which contains a union security provision.
- B. No participant in work experience or vocational exploration may be placed into, or remain working in, any position which is affected by labor disputes involving a work stoppage. If such a work stoppage occurs during the grant period, participants in affected positions must:
 - 1. Be relocated to positions not affected by the dispute;
 - 2. Be suspended through administrative leave; or
 - 3. Where participants belong to the labor union involved in work stoppage, be treated in the same manner as any other union member except such members must not remain working in the affected position. The service provider shall make every effort to relocate participants who wish to remain working into suitable positions unaffected by the work stoppage.
- C. No person shall be referred to or placed in an on-the-job training position affected by a labor dispute involving a work stoppage and no payments may be made to employers for the training and employment of participants in on-the-job training during the periods of work stoppage.

WIA Sec. 181 (b) (7)

XIII. Business Relocation

- A. Funds provided under the Act shall not be used to encourage or induce relocation of an establishment or any part that results in loss of employment for any employee at the original site.
- B. Funds provided under the Act shall not be used for customized or skill training, on-the-job training, or company-specific assessments of job applicants or employees for any business or any part of any business, that has relocated, until 120 days after the date on which the

establishment commences operations at the new location, if the relocation results in a loss of employment for any employee at the original site and the original site is within the United States.

WIA Sec. 181(d) (1)-(2)

XIV. Employment Generating/Economic Development

Funds provided under the Act shall not be used for employment generating activities, economic development activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, and similar activities that are not directly related to training for eligible individuals under this title.

WIA Sec. 181(e)

XV. Nondiscrimination and Equal Opportunity

- A. All eligible service and training providers receiving WIA Title IB funds must comply fully with the nondiscrimination and equal opportunity provisions of WIA Section 188 and Equal Opportunity and Nondiscrimination Regulations at 29 CFR Part 37.
- B. All programs shall establish procedures to ensure against discrimination, sexual harassment in any form, and foster equal opportunity and shall issue a statement of assurance to be signed by the chief operating official.
- C. Local Workforce Areas are **not** required to designate Equal Opportunity Officers. They should however designate an individual who will serve as liaison with the State Equal Opportunity Officer.
- D. Provider agreements will contain assurance language that it will comply with Equal Opportunity requirements of Section 167 of the Act, 29 CFR Part 37, and 1604, the Civil Rights Act of 1964 and all other applicable equal opportunity laws and regulations. The assurance may be incorporated by reference.
- E. Discriminatory discharge prohibited. No person, organization or agency may discharge, or in any other manner discriminate or retaliate against any person, or deny to any person a benefit to which that person is entitled under the provisions of the Act because such person has filed any complaint, instituted or caused to be instituted any proceeding under or related to the Act, has testified or is about to testify in any such proceeding or investigation, or has provided information or assisted in an investigation.
- F. Sexual Harassment/Sex-Based Harassment. Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964. Assurances regarding nondiscrimination and equal opportunity apply to sexual harassment as well.

WIA Sec. 181; 29 CFR Part 37

29 CFR 1604(11); 29 CFR Part 34

XVI. Equal Treatment in GOWD Programs for Religious Organizations

Protection of Religious Liberty of GOWD Social Service Providers and Beneficiaries.

- A. All eligible service and training providers receiving WIA Title 1B funds must comply fully with the provisions of 29 CFR part 2, subpart D (29 CFR 2.30), and ensure that GOWD-supported social service programs are open to all qualified organizations, regardless of the organizations' religious character, and to clearly establish the permissible uses to which GOWD support for social service programs may be put, and the conditions for receipt of such support.
- B. In addition, providers must ensure that GOWD's social service programs are implemented in a manner consistent with the requirements of the Constitution, including the Religion Clauses of the First Amendment.

29 CFR Part 2.30

XVII. Testing and Sanctioning for Use of Controlled Substances

Notwithstanding any other provision of law, the Federal Government shall not prohibit a State from:

- A. Testing participants in programs under Title IB for the use of controlled substances; and
- B. Sanctioning such participants who test positive for the use of such controlled substances.

SERVICE PROVIDER SELECTION PROCESS PROVIDER AGREEMENTS

This section is designed to provide information on the service provider selection process and the provider agreements entered into with the selected providers.

I. Service Provider Selection

Service providers should be chosen through the competitive request for proposal process. The Request for Proposal (RFP) process assures that operators and programs are responsive to workforce development needs in each area.

II. Provider Agreements

The RFP process will allow for provider agreements with single providers or multiple co-contracting providers. In the case of multiple co-contracting providers, the division of awarded funds is determined by the co-contracting providers through a negotiation process. The negotiation process should take into account the scope of service and proposed program operating plan, including the planned activities, planned enrollments and estimated costs of core, intensive and training services to be delivered.

Co-contracting service providers may choose to negotiate a different split of funds with each contract renewal to reflect changes in service delivery, or maintain the same split as the previous contract.

PERFORMANCE INCENTIVE AWARD POLICY

When funding permits, Georgia will provide incentive grants to local areas. These grants may be provided for regional cooperation among local boards for local coordination of activities carried out under the Workforce Investment Act to include: exemplary performance for all three program performance measures, no repeat findings, and no disallowed costs since the prior evaluation.

Notification will be provided to the administrative entity on file pertaining to Incentive Awards. The funds, when awarded, are to be used by the local area for carrying out an innovative program consistent with the requirements of any one or more of the three programs.

FINANCIAL MANAGEMENT SYSTEM

The Financial Management System section covers policy on cost allocation plan & costs pools, grant allocations, drawdowns, the Governor's reserve fund, cost principles, cash management, program income, expenditure reporting, recapture and reallocation policy, grant closeout, audits and record retention and grant eligibility disbarment.

COST ALLOCATION PLAN & COSTS POOLS

At times, it will become necessary for Local Workforce Investment Areas to utilize cost allocations and cost pooling to best distribute costs among all funding resources that receive benefits from the good or service being utilized. Allocability is the measure of the extent to which a cost benefits a grant program and its cost objectives.

Costs that are not readily chargeable to a final cost objective should be aggregated into cost objectives commonly called cost pools. These should be periodically allocated to final cost objectives using a federally recommended allocation methodology. These include: administrative cost pools, indirect cost pools, intake cost pools, supplies expense pool, and other cost pools. A Cost Allocation Plan should be filed with the Governor's Office of Workforce Development at the time that the Local Workforce Investment Area's LocalPlan is filed. All LWIAs must utilize federally acceptable allocation bases when establishing cost pools or allocation plans.

Cost Allocation Plan Requirements

All Cost Allocation Plans filed by the LWIAs with GOWD must include the following items:

1. An organization chart identifying all departments, services and funding sources for all staff functions.
2. A Statement of Function and Benefits that captures the types of services provided and their relevance to ETA-funded projects. This should also include all non-ETA funded projects and revenues.
3. Expense items that have been budgeted for ETA-funded projects. This includes all pooled or shared costs that will be allocated among several funding sources.
4. Description of methods used to distribute pooled or shared expenses. This description should also capture the allocation basis and all supporting documentation.
5. Certification by an authorized official that the plan has been prepared and submitted in accordance with all federal and state regulations, including authorizing legislation for non-ETA funding.

GRANT ALLOCATION

The State receives annual allocations for Adult, Youth and Dislocated Workers. 5% of the Adult and 5% of the Youth funds are retained by the State for statewide activities. 95% is allocated to the local areas. 30% of the Dislocated Workers funds are retained by the State (25% Rapid Response). 70% is allocated to local areas. The distribution of funds is outlined in the Training and Employment Guidance Letter (TEGL) 09-11 issued by USDOL/ETA.

http://wdr.doleta.gov/directives/attach/TEGL/TEGL9_11acc.pdf

The standard allocation formula gives equal weight to the following three formula factors:

33.3% Relative number of unemployed individuals in areas of substantial unemployment in each local area, compared to the total number of unemployed individuals in areas of substantial unemployment in the State;

33.3% Relative excess number of unemployed individuals in each local area, compared to the total excess number of unemployed individuals in the State;

33.3% Relative number of disadvantaged adults in each local area, compared to the total number of disadvantaged participants in the State.

Some local areas submit waivers to qualify under Hold Harmless. These local areas must not receive an allocation amount for a fiscal year that is less than 90% of the average allocation of the local area for the two preceding fiscal years. Amounts necessary to increase allocations to local areas must be obtained by ratably reducing the allocations to be made to other local areas.

Georgia distributes 70% of available funds by formula to local areas. Funds are allocated according to the six federally mandated factors, plus three additional ones. The factors and their weights are as follows:

40% Number of individuals who received unemployment insurance with earnings, for the most recent twenty four-month period

5% Number of unemployed individuals in excess of 6.5% of the civilian labor force for the most recent twenty four months

10% Number of individuals who received unemployment insurance who were from firms that were part of the Mass Layoff Statistics data for the latest two years

10% Number of individuals employed in industries that have experienced a decline in employment of 5% or greater over the last two years

2.5% Number of individuals employed as farmers or rancher according to the most recently available census data

2.5% Number of individuals who collected unemployment for 15 weeks or more for the last eighteen-month period

10% Number of individuals employed in manufacturing for the last eighteen-month period

10% Number of individuals employed in retail and wholesale trade for the last eighteen-month period

10% Number of individuals enrolled in WIA dislocated worker training services during the prior program year

WIA ALLOCATION PROCESS TIMELINE

I. February 20XX

- A. GOWD Programmatic and Compliance teams begin the process of compiling data for preparing the allocation factors for all 3 funding streams.
- B. GOWD Data and Information team will provide all data reporting, compile all necessary information for GOWD Programmatic and Compliance teams
 - Adult Program
 - Youth Program
 - Dislocated Worker Program

II. March 20XX

- A. Allocation factors are distributed to Finance Department, Program Managers, Compliance Department & the Local Workforce Investment Areas (LWIAs), after review by the Governor's Office of Workforce Development. If the allocation factors have been modified since previous year, allocation factors will be presented to the State Workforce Investment Board for review and approval.
- B. U.S. DOL publishes State allotments for all 3 funding streams. The State allotments represent total funding for the life of the grants, unless there is a rescission or reallocation of funds.
- C. GOWD signs funding agreement with USDOL.
- D. Preliminary allocations for all three funding streams are issued to the LWIAs.

III. Mid-April 20XX

- A. The Notice of Obligation (NOO) is received by GOWD from USDOL, usually the second week in the month. The signed NOO authorizes the State to issue grant awards to the LWIAs. Grant awards are issued to LWIAs in accordance with the Workforce Investment Act and State guidelines.
- B. The Youth grant awards are issued in accordance with the Workforce Investment Act and State guidelines. The funding period for the Youth grant awards starts on April 1st and lasts for 27 months. The grant ends on June 30th. The Youth funds are program year funds.

IV. Mid-July 20XX

- A. The Notice of Obligation (NOO) is received by GOWD, usually the second week in the month.
- B. The Adult & Dislocated Worker grant awards are issued to LWIAs in accordance with the Workforce Investment act and State guidelines. The funding period for the Adult & Dislocated Worker grant awards starts on July 1st and lasts for 24 months. These Adult & Dislocated Worker funds are program year funds. The grants end on June 30th. The smaller portion of these funds is awarded at this time, with the balance of the awards being funded in October.
- C. The LWIB shall submit their yearly budget to GOWD. The budget shall be signed by the LWIA's CLEO.

V. Mid-October 20XX

- A. The Notice of Obligation (NOO) is received by GOWD, usually the second week in the month.
- B. The balance of the Adult & Dislocated Worker grant awards are issued in accordance with the Workforce Investment Act and State guidelines. The funding period for this portion of the Adult & Dislocated Worker grant awards starts on October 1st and lasts for 21 months. The grants end on June 30th. These Adult & Dislocated Worker funds are fiscal year funds. The larger portion of these funds is awarded at this time.

DRAWDOWNS

I. Cash Requests

The Local Area submits a **Cash Request Form** to GOWD via email to a shared mailbox at WIADrawdown@georgia.gov. A separate cash request form is completed by each Local Area for each program year and funding source. Local areas submit requests on Mondays and Wednesdays. Local Areas may submit cash requests the day after a State holiday is recognized, if applicable. Requests submitted by 10:00 am will be processed same day and funds are available two business days later to the Local Areas. Most drawdown requests are for reimbursable expenses but may be an advance for upcoming payroll; detailed expenditure support and documentation is not required at the time of the cash request. Each Local Area is required to maintain appropriate levels of supporting documentation of all expenditures (payroll and personal activity reports, receipts, cost allocation plans supporting the allocation of funds, etc.) for seven years.

GOWD has four Financial Specialists (FS). Each Financial Specialist is assigned five local areas. The Financial Specialist reviews requested amounts for funding and program year availability, accuracy of financial cash requests on the form, and that required signature(s) are included in the request. If the FS does not recognize the signature or designee name, the FS will contact the Local Area, which may result in a delay in funding reimbursement requests.

Each FS enters the cash request in the Grants Management System to verify accuracy of information submitted and availability of funds.

The FS completes a **Request for Expenditure (RFE)** form for each Local Area funding stream/program year cash request and submits (emails/hard copy) to the Finance Director with the cash request. The FS will also assign an invoice number to each RFE document, according to GOWD's numerical sequence.

The FS also receipts the cash request by logging into PeopleSoft and opening the Local Area purchase order for the specified grant and program year. The FS reduces the purchase order balance by the drawdown amount based on the completed RFE. PeopleSoft assigns a receipt number and the FS writes the receipt number on the RFE document

The Finance Director reviews Local Area program budget to actual to estimates to complete for each funding stream/year and financial coding; the Finance Director verifies the invoice number on the RFE document, then approves and signs off. If the Finance Director notices a discrepancy, variance or error on the RFE, then he/she would submit the RFE to Financial Specialist for correction. When the cash request exceeds \$300,000 for a Local Area, GOWD Executive Director must review the request and sign.

The Finance Director prepares a **Transmittal Sheet** for each funding stream and photo copies the cash request/RFE packet. One cash request/RFE packet is filed by Local Area cabinets. The CFO submits the RFE packet (consisting of the cash request form, RFE form, and transmittal sheet) to the SAO shared inbox.

For Electronic Drawdown procedures please see Appendix A: Grants Management System (GMS).

Beginning January 1st 2014, the Governor's Office of Workforce Development has established a minimum dollar amount for processing of cash requests. As of January 1st, 2014, the minimum cash request for any single grant award drawdown must be \$50. The only exception to this minimum will be when the balance of the grant award is under \$50. Any cash request submitted for drawdown that is under \$50 will be held by GOWD until the next request for the same grant award is received and the aggregate cash request exceeds \$50.

II. Cash Disbursements

Note: a purchase order (PO) is established within PeopleSoft for each program funding source and each program year for the Local Areas. The PO is established by the State Accounting Office upon signed grant acceptance. \The cash request packet is retrieved from the SAO shared inbox by the AP Specialist. The SAO AP Specialist uses the RFE to generate the payment voucher within PeopleSoft. The

SAO AP Specialist manually overrides the 'net 30 payment terms' to allow for immediate payment. The SAO AP Specialist reconciles daily payment vouchers to RFE's in PeopleSoft. Payment vouchers are processed nightly. The following morning, the AP Specialist reviews the budget error report. The budget error report indicates any budget exceptions. If exceptions exist, the payment voucher will not process. The AP Specialist also checks in PeopleSoft to see if a reference number has been assigned to all payment vouchers. A reference number indicates the payment voucher processed successfully.

ACH information has been obtained from each Local Area and entered into People Soft (see grant acceptance process narrative). The payment voucher initiates the ACH wire transfer directly to the Local Area bank accounts (*see2. Grant Issuance workflow*); funds are deposited into local area bank accounts from the State's General Fund.

GOVERNOR'S RESERVE FUND

At time, USDOL may see fit to provide funds to the state for discretionary projects. If made available, these funds shall be known as the Governor Reserve Funds and may be used for the following services:

- a. Disseminating the State list of eligible providers of training services;
- b. Conducting evaluations;
- c. Providing incentive grants to local areas for regional cooperation among local boards, local coordination of activities carried out under this Act, and for exemplary performance by local areas on the local performance measures;
- d. Providing technical assistance to local areas that fail to meet local performance measures;
- e. Assisting in the establishment and operation of one-stop delivery systems;
- f. Operating a fiscal and management accountability information system;
- g. Instituting data-driven measures to match the needs of Georgia's workforce.
- h. Implementing pilot and demonstrations projects.

While Reserve Funds are not bound by the eligibility criteria outlined for adult, dislocated worker and youth formula-funded programs the following requirements must be met:

- a. Compliance with the Selective Service registration requirements for males 18 years and older;
- b. Compliance with all State and Federal Right to Work laws.

When individuals are serviced the following criteria must be met:

- a. The use of funds must align with the purpose of WIA specified in WIA Section 106;
- b. Individuals served with funds must demonstrate a need for service actually received while in the program.

COST PRINCIPLES, ALLOWABLE COST & UNALLOWABLE COSTS

There are Federal cost principles that define when and how costs can be charged to grants: OMB Circular A-87 Cost Principles for State, Local and Indian Tribal Governments; and A-122 Cost Principles for Non-Profit Organizations. The OMB Circulars are incorporated by reference at 29 CFR 95.27 and 29 CFR 97.22 and further specified in program regulations. Even though the circulars do not address every possible cost, they are the groundwork for all grant financial management, and an LWIA and their subrecipients should rely on their guidance to avoid audit findings and potential liability.

The following general cost principles, as specified in the cost circulars and regulations must be used in determining cost allowability for grants.

I. Costs must be necessary and reasonable

Any cost charged to a grant must be necessary and reasonable for the proper and efficient performance and administration of the grant. LWIAs and their subrecipients are required to exercise sound business practices and to comply with its procedures for charging costs.

II. Costs must be allocable

LWIAs and their subrecipients may charge costs to the grant if those costs are clearly identifiable as benefiting the grant program. Costs charged to the grant should benefit only the grant program, not other programs or activities. In order to be allocable, a cost must be treated consistently with like costs and incurred specifically for the program being charged.

III. Costs must be authorized or not prohibited under Federal, State, or local laws or regulations

Costs incurred must not be prohibited by any Federal, State, or local laws.

- IV. Costs must receive consistent treatment by a grantee
LWIAs and their subrecipients must treat a cost uniformly across program elements and from year to year. Costs that are indirect for some programs cannot be considered direct ETA grant costs.
- XII. Costs must not be used to meet matching or cost-sharing requirements
A grantee may not use federally funded costs, whether direct or indirect, as match or to meet matching fund requirements unless specifically authorized by law.
- VI. Costs must be adequately documented
A grantee must document all costs in a manner consistent with GAAP. Examples include retaining evidence of competitive bidding for services or supplies, adequate time records for employees who charge time against the grant, invoices, receipts, purchase orders, etc.
- VII. Costs must conform to ETA grant exclusions and limitations
LWIAs and their subrecipients may not charge a cost to the grant that is unallowable per the grant regulations or the cost limitations specified in the regulations.

EXPENSE GUIDELINES

LWIAs are authorized through their grant award to incur expenses benefiting the WIA programs. Additional information to clarify LWIA responsibility is listed in this section.

I. Accrued Leave

A. Policy

LWIAs must have a policy regarding accrual and use of paid leave by employees. The policy should have a reasonable limitation on the amount of paid leave that can be accrued from year to year.

B. Reference

Paid leave is allowable provided such costs are absorbed by all organization activities in proportion to the relative amount of time or effort actually devoted to each activity. (Reference OMB Circular A-122, Section 7.f.)

C. Guidelines

If an employee is paid from more than one funding source, the LWIA may only charge the appropriate portion of the leave pay to the service provider agreement.

LWIAs shall submit a copy of the indirect costs allocation plan to GOWD's Fiscal Director.

XIII. Travel Expense and Reimbursement

Travel costs are expenses for transportation, lodging, subsistence, and related items incurred by employees and others who are on travel status on official business of the organization. Travel expenses must be reasonable and necessary, and for a bona fide business purpose related to the funding source. All supporting documentation must be kept on file. Meals, lodging, rental cars, airfare, mileage for employee-owned cars, and other travel expenses may be paid for staff and participants who travel as part of their job, training activity or grant purpose. Documentation of the purpose and cost of travel must be maintained. No employee may be reimbursed for expenses incurred in going to and from work.

State employees required to travel for official business must comply with all statewide travel regulations in effect at the time of travel. Statewide Travel Regulations can be found at <http://sao.georgia.gov>. If any LWIA or grant sub-recipient does not have an agency meal policy, they will be subject to the terms and regulations found within the Statewide Travel Regulations.

The State-funding agency may reimburse members of boards and councils, consultants, volunteers, service providers, and others for travel expenses incurred for an allowable purpose benefiting the workforce investment system.

A. DEFINITIONS

1. External Customers would normally be considered as program participants, employers and/or board members. Professional colleagues would normally be considered individuals outside of the organizations influence but sharing common interests and goals of the organization.
2. Internal Customers are employees and sub-grantees.
3. A trainer is neither an internal customer nor an external customer and cannot be used to determine if food is allowable.

B. ALLOWABLE COSTS

1. Meals that can be paid with ETA funds and can be a direct charge or charged through an indirect cost allocation plan.
2. Meals while employees are in travel status are allowable per agency travel policy.
3. Meal costs are allowable when the grantee incurs such costs in the process of conducting meetings or conferences with external customers and other professional colleagues outside of the entity's organization.

4. The cost of a “working lunch” with external customers and other colleagues is only considered “reasonable and necessary” when there is adequate documentation on the necessity of having a meeting during a meal time instead of during normal business hours. Documentation should specify what ETA-related subjects were discussed and include a list of participants and dated itemized meal cost receipts.
- C. **DISALLOWED COSTS**
1. Charging costs for meals and refreshments while engaging day-to-day business with employees is disallowed.
 2. All meals and refreshments at meetings where the attendees are internal customers only are disallowed. This includes but not limited to coffee, bottled water, networking breakfast, lunch and dinner.
 3. All above meal costs must be paid with non-ETA federal funds and cannot be paid through an indirect cost allocation plan.

III. Procurement, Inventory and Disposal

A. Guidelines

LWIAs may procure equipment, supplies and services under the grant award agreement. Items expensed to the grant award must be reasonable and serve the primary objective of the agreement.

The purchase or construction of facilities or buildings is unallowable under the Workforce Investment Act, except for certain circumstances.

WIA Regulations 20 CFR Part 667.260

LWIA providers are delegated authority to make purchases of equipment, supplies and services as described below. LWIAs are responsible for ensuring the vendors selected are not debarred or suspended by checking the information on the following federal government website: <http://epls.arnet.gov>.

1. Small Purchases – under \$5,000. All LWIAs may purchase items with a value of less than \$5,000 using any open and fair procurement method that best meets the agency’s needs. The method should assist the service provider in obtaining a high quality product for a fair price. Documentation should be maintained of the need for the item and its benefit to the program.
 2. Medium Purchases - \$5,001 to \$25,000. LWIAs must maintain a fair and open procurement process meeting the criteria for small purchases. In addition, the LWIAs must obtain and document prior approval from GOWD for the purchase, and maintain documentation of the following: bid and rating criteria; advertising and public notice of the bid opportunity; responses received; and reason for the decision.
 3. Large Purchases – over \$25,000. Large purchases are subject to all the requirements of medium purchases, and in addition must use a formal, closed-bid procurement process. LWIAs must obtain and document prior approval from the GOWD.
- B. **Inventory**
- LWIAs must maintain an inventory record of assets purchased that have a unit acquisition cost of \$5,000 or more. A physical inventory must be taken at least once every two years to verify the presence of items on the inventory list, and an annual reconciliation of books and inventory records must be completed. Closeout of a grant award will include reconciliation and a report on office equipment or any other items purchased under the agreement.

LWIAs must maintain physical control of the asset to ensure adequate safeguards are in place to prevent loss, damage or theft of property. Adequate maintenance procedures must be in place to keep the property in good condition.

LWIA must retain property records for the time period required in the grant award.

C. Disposition

LWIA may dispose of equipment and supplies according to agency policy when the fair market value of the equipment unit, or the aggregate fair market value of the supplies, is less than \$5,000.

LWIA must notify GOWD and obtain permission to dispose of items listed above that are valued above \$5,000. The State has the following options:

1. Request the equipment or supplies be returned.
2. Approve a buy-out of the equipment or supplies by the service provider or another agency.
3. Approve a sale of the equipment or supplies by the LWIA.
4. Approve State of Georgia surplus property requirements if the LWIA is a state agency.

CASH MANAGEMENT

LWIAs will use the requisition for cash form to requisition cash under grant awards. Cash requisitions may be made on Mondays and Wednesdays. If GOWD is closed on Monday due to a state or federal holiday then cash requisitions will also be accepted on the next day that GOWD is open. Cash requisitions must be submitted no less than once per month. All cash requisitions must be submitted by 10:00 a.m. to guarantee transfer of the funds within two business days. If received later than 10:00 a.m., the transfer may be delayed. GOWD is not responsible for errors made at the State Treasury once the request for funds transfer is initiated, should the error cause the request to be delayed.

Cash requisitions may not exceed the amount authorized in the grant award. No cash payments will be made to a fiscal agent of a grant until GOWD receives the Federal Notice of Obligation from the awarding federal agency and has received a signed copy of the grant award from the LWIA fiscal agent.

I. Authorized Signature Sheet

An individual authorized by the governing body of the service provider organization or agency completes the Authorized Signature Sheet to verify the signature(s) of individuals authorized to draw cash under the agreement with the State-funding agency

II. Method of Payment

Payments to LWIAs shall be made on a cash requisition basis. GOWD shall limit payments to actual and immediate cash needs. If a LWIA does not comply with the requirement to keep cash requisitions limited to only actual and immediate needs or if they do not follow the grant agreement, GOWD may, after notice to the LWIA, discontinue the cash requisition method and make payments by reimbursement only. Cash requisitions should be made by email. An authorized representative identified on the Authorized Signature Sheet must sign for all cash requisitions. The drawdown of funds from one grant for the purpose of funding deficits in other grant programs is prohibited.

LWIAs may modify any forms noted in this section as needed. GOWD must approve all modifications to the form prior to implementation.

III. Documentation Required for Cash Request

GOWD reserves the right to request further documentation for clarifying purposes prior to sending cash transfer.

1. Requisition for Cash Form
2. Supporting Documentation Summary Form

LOST OR STOLEN/FORGED CHECKS

If a check has been lost or destroyed, the payee must fill out a statement stating the circumstances of the loss or destruction of the check and requesting that payment of the check be stopped. If the check has been mutilated or defaced, it should be forwarded to the issuing agency with the request for re-issuance.

If the payee recovers an original check after he/she has furnished a statement of nonreceipt, he/she should notify the issuing agency immediately. In the event the replacement check has been received prior to the recovery of the original check, the original check should be returned immediately to the agency. Under no circumstances should the payee attempt to cash both the original and replacement check.

In the event of a stolen and/or forged check, the payee must file a police report with the local law enforcement and forward a copy of the report with a statement stating the circumstances of the situation and whether it was endorsed, and also requesting that payment of the check be stopped.

PROGRAM INCOME

Program income is the gross income received by the service provider directly generated by a grant-supported activity, or earned only as a result of the grant agreement during the grant period. The local area must ensure that sub-recipients and subcontractors are aware that all program income must be accounted for and reported to the local area. Program income must be recorded in the local area's account records and reported to GOWD on the monthly and quarterly Financial Status Report.

I. Program Income Inclusions

- A. **Fee for Services:** Income from fees charged for services.
For example: The One-Stop operator provides pre-employment services for a number of private businesses. There is a per-head fee for these services. The fees are considered program income.
- B. **User or Rental Fees:** Income from the use or rental of personal property acquired with grant funds.
For example: The local One-Stop has purchased a fax machine with Wagner-Peyser funds and allows usage by Veteran's program and UI representatives. A per-page fee is charged for such use. The fees are considered program income.
- C. **Sale of Products:** Income from the sale of goods constructed under a grant agreement.
For example: As part of a course on small business development, materials are bought and used to manufacture small items. The proceeds from the sale of these items are considered program income. If the goods produced were written materials, the sale of materials would also be considered program income.
- D. **Revenue in Excess of Expenditures:** If an organization earns or receives revenue in excess of its costs under a WIA Title I program (Adult, Youth, Dislocated Workers, Job Corps, Native American, Farmworker and Veterans' programs) that revenue is to be treated as program income.
For example: A nonprofit youth service provider has a fixed price contract for the provision of placement services to out-of-school youth. Based on their performance, they have earned revenues that exceed the costs incurred by the organization in providing these services. These revenues are considered program income.
- E. **Interest Income:** Income earned from the interest paid on WIA Title I program funds is considered program income.
For example: A nonprofit LWIB maintains an interest-bearing account for all grant revenues. The LWIB receives funding from both WIA and non-WIA ETA-funded grants. The interest earned on the WIA revenues greater than \$250 per year would be treated as program income and added to the total WIA grant. The interest earned on non-WIA ETA fund advances would not be considered as program income, but interest amounts over \$250 per year would be returned to the Federal government in accordance with the requirements of 29 CFR 95.2.

29 CFR 95.2

II. Program Income Exclusions

- A. **Applicable Credits**
Reductions to grant costs as a result of refunds, rebates, credits, discounts, or the interest earned on them.
- B. **Sale of Property**
Proceeds from the sale of personal property. These requirements are covered at **29 CFR 97.32 and 29 CFR 95.30 through 37**.
- C. **Royalties, Copyrighted Material, Patents, and Inventions**

This income is considered program income **only if specifically identified as such** in the grant agreement or Federal agency regulations. However, the payment of royalties by WIA and other federally funded grants is an unallowable cost under **OMB Circular A-122**.

USDOL policy is that Federal funds may not be used to pay royalties for federally developed projects or works.

D. Income Earned after the Grant Period Has Ended

The grantee is not accountable for income earned after the end of the award period. However, the grantee must report program income expended after the grant period if the income was earned during the grant period.

E. Donations

Donations and contributions are voluntary and are not generated by the use of grant funds.

F. Profits of Commercial Organizations

Profits earned by commercial for-profit organizations are not considered program income. Caution – care should be taken to minimize the amount of profit generated by grants.

G. Matching Funds

Funds provided to satisfy the matching requirements of the grants are not considered program income. Conversely, program income generated through grants may not be used to satisfy any match requirements.

III. Accounting For Revenue And Cost Of Generating Program Income

A. Net Income Method

With the net income method, the costs incidental to the generation of program income are netted against or deducted from gross program income to determine the amount of net program income. The expenditures and revenues associated with performing the activity that generates program income are tracked separately in the accounting records.

B. Gross Income Method

With the gross income method, all gross revenues derived from program income activities are accounted for as program income. In turn, the service provider's share of the allocable costs associated with generating that revenue are charged to the appropriate program activities and/or cost categories.

IV. Accounting For The Expenditure Of Program Income

A. Separate Accounting

When using separate accounting, program income is treated as additional funds committed to the grant agreement, for which separately identifiable services are performed, and the expenditure of program income is accounted for separately from the original agreement. For accounting purposes, the program income is treated as if it were a separate (sub)grant or cost objective.

B. Transfer of Expenditures

When using transfer of expenditures accounting, expenditures are initially recorded in the accounts of the original agreement and are subsequently transferred to the program income account to offset the amount of program income earned. The result is that the program income is accounted for as fully expended, while expenditures charged under the agreement are reduced by the amount of expenditures that have now been applied to program income.

Regulations require that the net program income be added to the total funds available for the program. Thus, the transfer of expenditures is only applicable should the entity fully expend both the grant and the program income.

V. Uses Of Program Income

The requirements for using program income are the same as those applied to the grant funds with the exception of the administrative cost limitation. These requirements include:

A. Allowable cost guidelines

- B. Cost classification guidelines
- C. Inclusion of program income earnings and expenditures in the audit
- D. Rules on procurement and selection of service providers
- E. Participant records and other record-keeping requirements
- F. Sanctions for misuse

29 CFR Part 95.24(a) and WIA regulations specify that program income is to be added to the total grant award and used to provide the same services as the original grant agreement. It is the policy of the Employment & Training Administration (ETA) and GOWD that program income be wholly expended within the period of availability for WIA grants. Any program income funds remaining would be used to reduce the reported grant expenditures at closeout.

EXPENDITURE REPORTING TO GOWD

All federal grant expenditure reports shall be submitted to GOWD on a quarterly basis. All quarterly reports are due to GOWD by 5:00 p.m. on the twenty-fifth (25) calendar day of the first month after the quarter end date. Quarter end dates are March 31, June 30, September 30, and December 31.

U.S. DOL ETA Financial Report, ETA-9130 form will be used and may be modified to encompass all reporting requirements depending upon the federal grant being submitted. Recipients of grants are required to report expenditures separately for each source of funds cumulatively from the inception of each grant. In order to properly report costs, all grant recipients must establish a reporting system that allows them to incorporate costs at all levels of the system into the Financial Status Reports (FSRs) submitted to GOWD.

I. Late Reporting

LWIAs shall receive one written warning notice concerning late reporting. Failure to submit the report after written notice may result in a sanction.

II. Expenditure Limitations

When expenditure limits are set on administrative or other cost categories, those limits will apply to actual expenditures and cannot be exceeded without prior written approval from the GOWD.

RECAPTURE AND REALLOCATION POLICY

I. Voluntary Deobligations

A. Requests:

A local area may voluntarily deobligate funds from any funding source and request their reallocation to another designated local area. These requests may occur during the final two quarters of the applicable program year. The local area receiving the funds must not be below the obligation/expenditure requirements.

1. All requests must be made in writing. The request must also be accompanied by documentation of the most recent monthly Financial Status Report for both the requesting and receiving LWIB. All letters must document the approval of the Chief Local Elected Official and the Fiscal Agent of the requesting local area. These requests will be reviewed for approval by GOWD Executive Director. For those that are approved, the Executive Director will provide written notification of the approval. It will then be forwarded to the Finance Director to initiate the fund transfer request. Once complete, the Finance Director will confirm with both the requesting and receiving local areas. Grant Award Adjustment agreements will be issued for both local areas. For requests that are denied, the Executive Director will inform both the requesting and receiving areas of the denial in writing.

2. For local areas who request a voluntary deobligation without naming a specific local area to receive the funds, the reallocation of the funds will be at the discretion of the Executive Director of the Governor's Office of Workforce Development, in collaboration with the appropriate committee of the SWIB.

B. Eligibility:

1. In order to be eligible to receive youth, adult, or dislocated worker funds under the reallocation procedures, a local area must have obligated at least 80 percent of the prior program year's allocation, less amount reserved for the cost of administration. This eligibility will be determined separately for all three funding streams. Any local area who failed to obligate at least 80 percent will not be eligible to receive funds as the result of voluntary deobligation or recapture of funds.
2. To be eligible to receive reallocated funds, a local area must maintain auditable records. This includes no significant findings in the most recent financial audit completed. There should be no findings related to administrative cost limitations during all prior years under WIA, and there should be no major uncorrected monitoring findings for compliance or financial issues.

II. Inter-Fund Transfer

A. Reporting:

Any local area wishing to transfer eligible funds between the adult and dislocated worker streams must submit a written request to the Governor's Office of Workforce Development. This request must be signed by both the LWIB Chair and the Fiscal Agent. It should also include a narrative statement documenting the need for the transfer. These requests shall be reviewed by the Executive Director and a member of GOWD financial staff. If approved, GOWD shall notify the LWIA Director, Fiscal Agent, and LWIB Chair and writing and provide a draft grant adjustment agreement illustrating the transferred amount and updated grant award totals. Once the draft is

approved by the requesting LWIA, a final grant adjustment agreement will be issued and executed.

III. Recapture of Funds

A. Reporting and Recapture of Funds

1. At Conclusion of Program Year 1

In July, after Local Workforce Investment Areas submit the year-end Financial Status Report (FSR) for June of the previous program year, GOWD financial staff will review these FSRs to identify all local areas that failed to expend or obligate at least 80% of program funds at the end of the first year of availability. Note: the fund calculation will not include any funds received as a result of voluntary deobligation and reallocation.

These findings will be presented to GOWD's Executive Director and, upon approval, a grant award adjustment notice will be provided to those LWIAs to notify them of the recaptured award amount.

2. At Conclusion of Program Year 2

In July, after Local Workforce Investment Areas submit their year-end FSR for June of the previous program year, GOWD financial staff will identify any local areas that have remaining unexpended or unobligated funds. These findings will be presented to GOWD Executive Director and respective SWIB Committee (ie Youth, Adult/Dislocated Worker.) The SWIB Committee may decide to reallocate the funds to other local areas or keep the funds for state-level activities.

B. Reallocation of Funds

1. Eligibility

The Governor's Office of Workforce Development shall send notifications of availability of recaptured funds to all eligible LWIAs. In order to be eligible to receive funds under the reallocation procedure, a local area must have obligated at least 80 percent of the prior program year's allocation, less amount reserved for the cost of administration. Prior program year is defined as program year having most recently completed its first year of fund availability. Eligibility for reallocated funds will be determined separately for all three funding streams. Additionally, a local area must have no significant findings in the most recently completed financial audit. Additionally, there should be no annual on-site monitoring findings related to administrative cost limitations and no major uncorrected monitoring findings for compliance or financial issues.

CHANGE IN LOCAL WORKFORCE INVESTMENT AREA GRANT RECIPIENT

1. Per the Workforce Investment Act of 1998 Section 117(d)(3)(B)(i)(II), the chief local elected official (CLEO) for an LWIA may designate an entity to serve as a local grant sub-recipient or fiscal agent for WIA funds. Such designation does not remove the CLEO of the liability of disallowed costs.
2. CLEO selection of the local grant recipient must comply with both federal and state requirements in selecting a grant recipient. The CLEO is responsible for notifying the Governor's Office of Workforce Development, in writing, of the intent to transfer local grant responsibility. This intent to transfer should include the name of the proposed new grant recipient and (if applicable) the name of the new program administrator.

3. After receipt of intent to transfer, GOWD will reach out to the CLEO and proposed grant recipient to obtain the following information:
 - a) Documentation of legal status as governmental entity;
 - b) Federal Employment ID Number (FEIN) of proposed grant recipient;
 - c) Certification regarding debarment, suspension, ineligibility and voluntary exclusion;
 - d) Most recent audit;
 - e) Minutes from meeting in which governing board/commission of proposed grant recipient accepted the responsibilities and duties of a WIA grant recipient.

GOWD will review the provided information to verify the proposed grant recipient meets all state and federal requirements. GOWD will provide written approval to the CLEO within 30 business days of receipt data request.

4. After receiving written GOWD approval, the new grant recipient will need to coordinate with the current grant recipient and come to a written agreement about the following items:
 - a) Equipment inventory and transfer
 - b) Transfer of files
 - c) Records Retention
 - d) Close out dates (expenditures, contracts, records, program files, etc.)
 - e) Post-transition payment guidelines (invoices, payroll, cost pool calculations, etc.)

GOWD will review this written agreement and, once all items have been developed satisfactorily, issue approval.

5. The new grant recipient must develop written policies and procedures required for local WIA administration. These policies and procedures must be reviewed and approved by GOWD prior to any funds being awarded to the new grant recipient. At a minimum, the written policies and procedures should address the items below:
 - a) Financial Management System
 - b) Audit Process
 - c) Cash Management
 - d) Program Income
 - e) Prepaid Program Items
 - f) Timekeeping, Salary, and Cost Allocations
 - g) Allowable Costs Determination
 - h) Procurement and Contract Management
 - i) Equipment Management
 - j) Sub-recipient/vendor Oversight
 - k) Program Administration
6. Once the new grant recipient has completed all required pre-award actions, GOWD will issue preliminary grant agreements to the new grant recipient.
 - a) The new grant recipient must complete the "State Accounting Office Vendor Management Form," the "Authorized Signature Card for Drawdown of WIA funds" and the "Emergency Contact Form" prior to any funds being authorized for drawdown against the WIA grants.
 - b) GOWD's Finance team will provide training and technical assistance to the financial staff of the new grant recipient prior to transition.

- c) The new grant recipient will be required to submit full backup documentation for all expenditures during the first 120 days as grant recipient. GOWD will monitor these expenditures to ensure that all federal, state, and local policies are being followed for each expenditure. A detailed list of required documentation may be requested from GOWD. GOWD will hold conduct a first quarter review. Upon complete, GOWD will issue determination about whether additional requirements may be held over for the life of the grants. If no additional requirements are found to be necessary, GOWD will issue a grant adjustment relieving the grant recipient of the backup documentation requirements.

GRANT AGREEMENT CLOSEOUT

Each service provider is responsible for developing and maintaining a system to comply with the closeout requirements specified at 29 CFR Part 97.50 and 29 CFR Part 95.71. To ensure that GOWD closes out grants in a timely manner to ETA, the following guidelines are established for service providers:

Closeout reports are due to GOWD by 5:00 pm on the fifteenth (15th) calendar day of the second month following the end date of the grant. For example, if the grant closes on June 30, the reports are due by 5:00 pm September 15. If the due date falls on a weekend, the reports are due the following Monday.

I. Closeout Process

- A. The service provider must close and settle its contracts and reconcile all financial activity related to the grant prior to closing the grant with GOWD.
- B. All refunds due to the awarding agency must be made before the closeout OR submitted with the closeout documents.
- C. Pending claims or late arriving invoices must be best estimated and identified in the closeout reports. Once the items are received, reconciliation must be done and sent to GOWD to be attached to the reports. If a refund is due the awarding agency, it must be included with the reconciliation.
- D. Any refunds, rebates, or credits received after the closeout must be sent to GOWD. If stand-in costs were reported, they may be offset by such refunds, rebates, or credits; however, the stand-in costs must have been reported prior to the receipt of the refund.
- E. GOWD reserves the right for further grant adjustments based on audit findings after the closeout reports are submitted.

II. Closeout Package

The closeout package consists of the following forms:

- A. Service Provider's Submittal of Closeout Documents
Include a cover sheet that lists all the documents included in the closeout package.
- B. Financial Status Report
- C. If necessary, a copy of the approved indirect cost rate
If indirect costs have been charged to the grant, a copy of the provisional or final rate must be included. If the grant is closed based on a provisional rate and the final rate is lower, the grantee is required to recalculate indirect costs and return all excess indirect costs within 45 days of the final rate approval letter.
- D. Grantee's Release
The grantee certifies the release of the grantor agency from further monetary obligations under the grant. Certain specifically identified claims such as unclaimed wages, Worker's Compensation claims, or other outstanding claims must be identified and the list attached to the grantee's release.
- E. Grantee's Assignment of Refunds, Rebates, and Credits – The grantee waives claim to any refunds, rebates, or credits received after the grant has terminated and assures prompt remittance to the grantor agency.
- F. Government Property Closeout Inventory Certification – This form provides for an inventory of all real or personal property purchases acquired with grant funds or received from the Federal government where the DOL reserves the right to take title, or a certification that no such property was acquired with grant funds.

AUDITS AND RECORD RETENTION

A. Audit Requirements

Every recipient and subrecipient organization that expends \$500,000 or more in Federal financial assistance funds (received from all Federal sources combined) during its fiscal year to operate one or more programs must undergo an audit in accordance with OMB Circular A-133. A recipient, whether a State or Local Area that passes down funds to a service provider must ensure that the entity receiving the funds has an audit conducted if the entity meets the \$500,000 expenditure threshold.

LWIAs that expend **less than** \$500,000 a year in Federal awards are exempt from Federal audit requirements for that year, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and General Accounting Office (GAO).

Responsibility for non WIA audit costs and for maintaining complete financial records remains with the service providers.

LWIAs having A-133 audits conducted are to inform the auditing firm that audits are to be made in accordance with the:

1. Generally Accepted Governmental Auditing Standards (GAGAS)
2. OMB Circular A-133
3. AICPA Generally Accepted Auditing Standards

The audits will include, at a minimum, an examination of:

1. The systems of internal control;
2. Compliance with laws, regulations, contracts/grants;
3. Financial statements and federal awards schedule; and
4. Prior year audit findings

The examinations are to determine whether:

1. There is effective control over and proper accounting for revenues, expenditures, assets and liabilities;
2. Financial statements are fairly presented in accordance with generally accepted accounting principles; and
3. Funds are being expended in accordance with the terms of provider agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements or the awards tested.

Effective July 2012, LWIAs must ensure that the audit work papers and reports are maintained for a minimum of seven years, and that the work papers are available to GOWD.

The LWIA will follow the purchasing procedures contained in Section 6.30 for acquiring the necessary audit services.

A copy of the final audit report is due to GOWD within the earlier of 30 days after publication of the auditor's report, or nine (9) months after the end of the audit period.

B. Audit Resolution Procedure

1. 120 Day Resolution Period
 - a. The LWIA will have thirty (30) days from the publication of the final audit report to respond and provide any supporting documentation for costs questioned or

recommended for disallowance. GOWD will accept only written responses. All findings and recommendations are to be addressed by the LWIA in their response.

- b. GOWD will issue a written initial determination within thirty (30) days of receipt of the LWIA's first response.
- c. The LWIA will then be given the opportunity for informal resolution by having thirty (30) days from receipt of the initial determination in which to respond with any further supporting documentation or information.
- d. GOWD will issue a final determination within thirty (30) days of receipt of the service provider's response to the initial determination or no later than 120 days after the audit report has become final. The final determination includes:
 - (1) Those matters which were not informally resolved;
 - (2) Corrective actions which will be necessary; and
 - (3) notice to the LWIA of the opportunity to request a hearing. Within thirty (30) days of the receipt of the final determination, the LWIA may submit in writing a request for hearing to GOWD.

2. Grievance Procedure

The next step is to go into the regular grievance procedure, where a LWIA may choose to request a hearing.

3. Funds Returned

GOWD will require the return of all funds that were not expended in accordance with laws and regulations.

C. Debt Collection Policy

Debts receivable must be paid within thirty (30) days of establishment of the debt.

Repayment of debts established will be in the form of a cash payment unless negotiation between GOWD and the debtor produce some other method. Cash from a non-federal source is the required method of repayment where there is misuse of funds due to willful disregard of requirements of the Act, gross negligence, or failure to observe accepted standards of administration. Settlements of debts on a non-cash basis will be by exception.

D. Methods of repayment by cash are as follows:

1. Lump Sum

Payment in full may be made by certified check, money order, cashier's check, or bank draft.

2. Installment Payments

Cash installment repayment agreements are usually of short-term duration, from three to 12 months, and are limited to 36 months by the Federal Claims Collection Standards.

Duration is negotiated based on the size of the debt and the debtor entity's ability to pay.

3. Adjustment in Payments

When cash repayment in lump sum or in installments is impossible, an agreement may be entered into with the debtor whereby the contract is reduced by the amount of the debt repayment while the program is maintained at an undiminished cost level through nonfederal contributions.

4. Withholding

This repayment method will involve withholding amounts owed the debtor for past services or for other considerations already provided in satisfaction of the debt owed.

E. Examples of Non-Cash Repayment Methods

These methods must be negotiated with GOWD prior to being considered as a method for debt recovery.

1. Stand-in Costs

This method is not actually a debt repayment, but is a way of “erasing” the debt. The debtor must identify allowable non-federal costs associated with the contract but not charged to the contract, and substitute those costs for the disallowed costs, thus erasing the debt. These expenditures must have been reported to GOWD with the quarterly financial status report or closeout package for the year the costs were incurred in order to be considered for disallowed costs incurred during that same time period. This method would require negotiation and agreement with the debtor that such costs are subject to audit. Documentation that will establish a clear audit trail must be maintained when such agreements are made.

2. Service in Lieu of Cash

This method involves a repayment with the debto whereby additional services above those originally agreed to with the recipient, paid through nonfederal funds, are received in lieu of cash. When it becomes clear that a debtor cannot repay through any other repayment method, an agreement of this nature may be negotiated. This method requires a written agreement signed by both parties with condiditons regarding the type of funds to be used, documentation subjected to audit, and a description of the services rendered.

3. Offset

This method involves reducing the contract up to the amount of the debt. GOWD, on behalf of the Governor, may use this option with the approval of the Secretary of Labor.

If an establishment debt is not paid within thirty (30) days of the final determination or if established installment payments are more than thirty (30) days late, a letter will be sent stating that payment is due immediately. At forty-five (45) days, another letter will be sent stating the account will be sent to the Attorney General’s Office if not paid within fifteen (15) days. At sixty (60) days, the account is turned over to the Attorney General and GOWD will consider whether to continue to do business with the debtor.

F. Record Retention

This policy provides guidance for proper mainenance of financial and programmatic records. These records must be accesssible to authorized Federal and GOWD oversight staff and verifiable for monitoring, reporting, audit, and evaluation.

Length of Record Retention

For both grantees and service providers, records must be retained for three (3) years following the date on which the expenditures report containing the final expenditures charged to a program year’s allotment or a grant is submitted to GOWD.

The record retention period does not start over if final expenditure reports are revised, if these revisions are for the following reasons:

1. Revisions resulting from closeout

Such revisions are considered expenditure adjustments and do not alter the initial time period for retention. The records must be retained for three years from the original submission date fo the final expediture report.

2. Revisions resulting from litigation, audit/audit resolution, or claims

Records must be maintained for five years following the submission of the final expenditure report or until all issues resulting from litigation, audit/audit resolution, or claims have been resolved and final action taken, whichever is longer.

G. Other Retention Regulations

1. Real property and equipment records must be retained for five years after final disposition of the property.

2. WIA Title IB Complaint Records

Actions related to resolving complaints shall be maintained for not less than three years

from the date of resolving the complaint. In addition, WIA Title IB grantees and service providers must follow the requirements of 29 CFR Part 37, as these regulations apply to the entire organization receiving WIA funds. These records should be maintained as a whole record system.

3. **Litigation/Audit Records** These records must be retained beyond the prescribed period if any litigation or audit has

begun, or if a claim is instituted involving the grant or agreement covered by the records.

The records must be retained until resolution of the litigation, audit, or claim and final action is taken; or until the end of the regular five-year record retention period, whichever is later.

4. **Failure To Obtain An Audit**

A failure to obtain and audit extends the record retention requirement indefinitely. A delay in obtaining an audit or in resolving audit findings extends the record retention period until all audit requirements have been satisfied and all findings have been resolved to the satisfaction of the awarding agency.

5. **Indirect Cost Records**

Computations or proposals, cost allocation plans, and supporting documentation and records must be retained for five years from the date the indirect cost rate package is submitted for negotiation. If not submitted for negotiation, the records must be maintained for three years from the end of the Program Year that contains the final grant costs.

H. **Termination of Relationship**

When the relation with a service provider is terminated, the service provider's responsibility for maintenance and retention of records does not end. However, GOWD may want to take physical custody of the records to assure that they are available if needed in instances where the subgrantee is unable to physically retain them.

I. **Record Storage**

Records shall be retained and stored in a manner that will preserve their integrity and admissibility as evidence in any audit/litigation or other proceeding. Microfilmed or photocopied records can be substituted for original records because they are generally accepted as admissible for evidentiary purposes. The burden of production and authentication of the records shall be on the custodian of the records. Failure to authenticate the records will deny the custodian the right to use it.

When no litigation, claim, negotiation, audit, or other action is pending and when grant expiration dates (per local grant agreements) are within the normal two year life cycle of the grant. The below chart may be used. It is recommended that customer files be alphabetized and placed in bankers boxes with a copy of the report taped to the lid of the box. Boxes should be clearly marked by Program Year and stored in a secure location.

*Exceptions may apply

GOWDJ. Applicable Regulations

29 CFR 97.42 applies to State and Local governmental entities and Indian tribal governments.

29 CFR 95.53 applies to nonprofit and commercial organizations, institutions of higher education, and hospitals.

Both sites apply equally to grantees and subgrantees.

Both sites include financial and program records, supporting documents, statistical records, and other records that are either required to be held by regulation or grant agreement or could reasonably be considered as pertinent to regulation or the grant agreement.

GRANT ELIGIBILITY DISBARMENT

All GOWD sub grantees/sub recipients must certify that they are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this (or any other voluntary) transaction by any Federal or State department/agency.

Furthermore, any sub grantee/sub recipient that has been declared ineligible or appeared on the Georgia Department of Audits and Accounts' *Listing of Noncompliant Local Governments* list within two years preceding the date of application to be a fiscal agent will not qualify to be a fiscal agent.

If at any time during the grant agreement a sub grantee/sub recipient's status changes, it is the responsibility of the sub grantee to notify the Governor's Office of Workforce Development in writing of this change. At that time, the sub grantee will have 30 days from status change to propose a new fiscal agent for the sub grantee. It is at the discretion of the Governor's Office of Workforce Development to accept this new sub grantee and re-establish the grant award with the new fiscal agent.

Any sub grantee/sub recipient who fails to notify the Governor's Office of Workforce Development of a change in status will be considered in default of the grant agreement. The State will immediately suspend the grant agreement and no further funds shall be expended under the grant. Any such funds that were expended from the time of the status change to GOWD's notification of the status change are due back to GOWD as disallowed costs. The State will utilize all legal resources to collect these funds.

The federal debarment registry may be found at <https://www.epls.gov/>.

The state noncompliance registry may be found at: <http://www.audits.ga.gov>

PROGRAMMATIC

This section identifies policy surrounding the programmatic elements of the Workforce Investment Act including One-Stop, Common Measures, eligibility, services and activities, and sub recipient monitoring and reporting.

ONE-STOP SYSTEM

I. Overview

The Workforce Investment Act of 1998 (WIA) creates a comprehensive workforce investment system known as the One-Stop System. The One-Stop System is intended to be customer-focused, to help Americans access the tools they need to manage their careers through information and high quality services, and help business find skilled workers.

A. One-Stop System Goal

To increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency and enhance the productivity and competitiveness of the nation.

B. Seven Principles of One-Stop Service Delivery

1. Streamlining services through better integration.
2. Empowering individuals.
3. Offering universal access.
4. Increasing accountability.
5. Creating a role for the private sector.
6. Providing flexibility from state partners.
7. Improving youth programs.

C. The Workforce Investment Act Includes Five Titles

Title I	Workforce Investment Systems
Title II	Adult Education and Literacy
Title III	Workforce Investment-Related Activities
Title IV	Rehabilitation Act Amendments of 1998
Title V	General Provisions

II. The One-Stop

A. One-Stop Operators

The One-Stop Operator is responsible for general operation of the One-Stop Center as required in (Sections 134(c)(2)(A)) of WIA law and (Sections 662.100(c); 662.250; and 662.400) of WIA Regulations.

Overall operation of the One-Stop Center includes entering into agreements with the partners collocated in the center; cost allocation plan(s); service mix and flow; planning and monitoring center operations; and coordination with other service providers in the service area.

The One-Stop Operator is also responsible for developing a strategic operations or business plan for the center including the development of a common mission and goals. The One-Stop Operator should ensure that the center is guided by customer needs, customer satisfaction and customer success. The plan should include strategies for training of center staff to insure integration of service delivery to provide seamless access to services for all customers. The One-Stop Operator must ensure that the core services specified in WIA Section 134(d)(2) are provided at the center and provide access to the other activities and programs provided under WIA and by the mandatory partner programs available in the area. The One-Stop Operator must ensure that the One-Stop Center and services are accessible to all customers including individuals with disabilities

B. One-Stop Partners

Required partners are:

1. Programs authorized under Title I of WIA serving adults, dislocated workers, youth, and veterans, as well as Job Corps, Native American programs, and migrant and seasonal farm worker programs
2. Programs authorized under the Wagner-Peyser Act
3. Adult education and literacy activities authorized under Title II of WIA
4. Programs authorized under parts A and B of Title I of the Rehabilitation Act
5. Welfare-to-Work programs authorized under the Social Security Act
6. Senior community service employment activities authorized under Title V of the Older Americans Act of 1965
7. Postsecondary vocational education authorized under the Carl D. Perkins Vocational and Applied Technological Education Act
8. Trade Adjustment Assistance and NAFTA Transitional Adjustment Assistance authorized under the Trade Act of 1974
9. Local veterans' employment representatives and disabled veterans outreach programs
10. Employment and training activities under the Community Services Block Grant
11. Employment and training activities of the Department of Housing and Urban Development
12. Programs authorized under State unemployment compensation laws

Optional partners may include:

1. Temporary Assistance to Needy Families authorized under the Social Security Act
2. Employment and training programs authorized under the Food Stamp Act of 1977
3. Work programs authorized under the Food Stamp Act of 1977
4. Programs authorized under the National and Community Service Act of 1990
5. Other appropriate Federal, State, or local programs

C. One-Stop Centers

Within each workforce investment area there must be at least one designated One-Stop Center. 20 CFR 662.100(c)(d) of the Regulations lists the federally funded program partners that must provide access to core services, intensive services, training, and participate in the creation and maintenance of One-Stop Centers and systems.

At a minimum, a One-Stop Centers must provide the core services specified in WIA section 134(d) (2) including the following:

1. Determinations of whether individuals are eligible to receive assistance;
2. Orientation to the information and other services available in the One-Stop system;
3. Initial assessment;
4. Job search and placement assistance;
5. Career counseling;
6. Labor market information;
7. Eligible Training Provider and LWIB program performance;
8. Information relating to the availability of supportive services in local area and referral to such services;
9. Information on filing unemployment compensation;
10. Assistance in establishing eligibility for
 - a. Welfare-to-work activities authorized under section 403(a)(5) of the Social Security Act (as added by section 5001 of the Balanced Budget Act of 1997) available in the local area; and
 - b. Programs of financial aid assistance for training and educational programs that are not funded under this Act and are available in the local area; and
11. Follow-up services.

One-Stop Centers must also provide access to other programs and activities carried out by the One Stop partners. Co-location of programs is encouraged to the extent possible. Once a site is established, the site must utilize the term "One-Stop" as the common identifier. When

selecting the site location, consideration must be given to customer accessibility. A written agreement must detail management of the One-Stop and is to be reviewed, upon change in key staff. Co-located partners must have a written agreement or Operating Plan describing roles and responsibilities of each partner at the site. For those who are collaborating partners off-site, roles and responsibilities will be defined in an addendum to the co-located partner agreement. All collaborating partners, those on and off site, must have the appropriate staff trained in the services provided by other partners, know who the contact person for each partner is, and can seamlessly refer clients or participants to the appropriate entity within each partner program. Space must be made available at the site for visiting partner programs whenever feasible. All partners, those on and off site, must have a resource area available to customers that is staffed, has information on all partners in the local system, and meets customer needs. The site used for co-location must be accessible for those with disabilities and those who speak languages other than English.

III. Seamless Service Delivery

One-Stop is often described as a “seamless” system of service delivery, i.e. that information and access to services are available to the customer regardless of the site of original contact. This is accomplished by collaboration of entities responsible for separate workforce development funding streams and by integration of programs and resources at the community level. All partners have an obligation to provide the core informational services so that individuals may access the One-Stop System regardless where they enter, including information regarding access or linkages to training services and the programs and activities carried out by One-Stop partners.

IV. One-Stop Certification Process

As provided in the Workforce Investment Act of 1998, the Local Workforce Investment Board, with the agreement of the chief elected official, must designate and certify One-Stop Operators in each local area. Local Boards are charged with utilizing criteria and quality standards for the purpose of holding Operators accountable for the one-stop system or center(s) operations they oversee. In order to ensure that certification creates a consistent level of quality in the services provided in the local workforce investment area, The Local Workforce Investment Board will be required to submit a business plan to the State Workforce Investment Board. The process shall include the following:

1. Local Entity will submit a business plan to their LWIB that will be forwarded to the SWIB for written determination within 90 days of submittal.
 - a. If denied, a written explanation will be given, and a LWIB may submit a revised plan to re-initiate the process at any time.
2. The LWIB conducts a site review within 60 days of the business plan approval. The reviewer will use the business plan and interview site and partner staff to ensure compliance. Notification will be given within 30 days of the site review.
 - a. If denied, then a corrective plan is provided with written determination and technical support to aid in reaching compliance. Within 60 days of resubmission, the LWIB will conduct a new site review.
 - b. On-site Reviews may be delegated to an administrative entity, as long as the reports are received by the LWIB.
3. Once the LWIB has completed the on-site review, the State Board grants certification status.

All business plans submitted to GOWD must contain the following items:

1. A vision and mission statement
2. A diagram or narrative of customer flow throughout the tiers of services
3. Identification of the clear flow of services between all partners
4. Identification of the facility's service delivery structure, i.e., location service mix and customer flow
5. Demonstration of a plan for increased enrollment in various programs and increased use of facilities
6. Identification of a system for referral to training services and use of ITAs
7. Identification of leveraged resources with various funding streams, educational grants, and other financial aid programs
8. Identification of a community outreach plan
9. Identification of all One-Stop partners and the ways in which services are integrated

The One-Stop re-certification process shall take place every two (2) years. A comprehensive One-Stop re-certification process, to be conducted by the LWIB, shall be outlined in the LWIA's Policies and Procedures Guide. GOWD shall examine the LWIA's One-Stop re-certification process during the yearly on-sight monitoring period for compliance with both WIA Federal and State requirements.

PERFORMANCE MEASURES UNDER COMMON MEASURES

The WIA common measures reports (quarterly and annual) will cover participants who receive services financially assisted by formula or statewide reserve funds under the following ETA programs:

- WIA Adult Program
- WIA Dislocated Worker Program
- WIA Youth Program

Georgia received a waiver from USDOL-Employment and Training Administration (ETA) to report only on common measures for all programs. The common measures policy is outlined in Training and Employment Guidance Letter (TEGL) 17-05 issued by USDOL-ETA at <http://wdr.doleta.gov/directives/attach/TEGL17-05.pdf>

I. Adult and Dislocated Worker Performance Measures

Use of the term “adult” in definitions and calculations implies both adult and dislocated worker participants. For participants in the Adult or Dislocated Worker programs, the following performance measures apply:

A. Entered Employment

Methodology:

Of those who are not employed at the date of participation:

The number of adult participants who are employed in the 1st quarter after the exit quarter **divided by** the number of adult participants who exit during the quarter.

Operational Parameters:

- Individuals who are employed at the date of participation are excluded from this measure (i.e., programs will not be held accountable for these individuals under this measure).
- Individuals who, although employed, have either received a notice of termination of employment or the employer has issued a Worker Adjustment and Retraining Notification (WARN) or other notice that the facility or enterprise will close, or are transitioning service members are considered not employed and are included in the measure.
- For WIA purposes, a Transitioning Service Member is defined as a service member in active duty status (including separation leave) who participates in employment services and is within 24 months of retirement or 12 months of separation.
- Employment at the date of participation is based on information collected from the individual, not from wage records.

B. Employment Retention

Methodology:

Of those who are employed in 1st quarter after the exit quarter:

The number of adult participants who are employed in both the 2nd and 3rd quarters after the exit quarter **divided by** the number of adult participants who exit during the quarter.

Operational Parameters:

- This measure includes only those who are employed in the first quarter after the exit quarter (regardless of their employment status at participation)
- Individuals who are not employed in the first quarter after the exit quarter are excluded from this measure (i.e., programs will not be held accountable for these individuals under this measure).
- Employment in the first, second, and third quarters after the exit quarter does not have to be with the same employer.

A. Average Earnings

Methodology:

Of those adult participants who are employed in the first, second, and third quarters after the exit quarter:

Total earnings in the second quarter plus total earnings in the third quarter after the exit quarter **divided by** the number of adult participants who exit during the quarter.

Operational Parameters:

- To ensure comparability of this measure on a national level, wage records will be the only data source for this measure. Acceptable wage record sources are a state's unemployment insurance wage records, Federal employment wage records, military employment wage records, and other administrative records, such as tax records for self-employed participants.
- Individuals whose employment in either the first, second, or third quarters after the exit quarter was determined solely from supplemental sources and not from wage records are excluded from the measure.

II. Youth Performance Measures

The Youth Common Measures replaced the WIA statutory measures on July 1, 2007.

A. Placement in Employment or Education

Methodology:

Of those who are not in postsecondary education or employment (including the military) at the date of participation:

The number of youth participants who are in employment (including the military) or enrolled in postsecondary education and/or advanced training / occupational skills training in the first quarter after the exit quarter **divided by** the number of youth participants who exit during the quarter.

Operational Parameters:

- Individuals who are in post-secondary education or employment at the date of participation are excluded from this measure (i.e., programs will not be held accountable for these individuals under this measure).
- Employment and education status at the date of participation are based on information collected from the individual.
- Individuals in secondary school at exit will be included in this measure.

B. Attainment of a Degree or Certificate

Methodology:

Of those enrolled in education (at the date of participation or at any point during the program):

The number of youth participants who attain a diploma, GED, or certificate by the end of the third quarter after the exit quarter **divided by** the number of youth participants who exit during the quarter.

Operational Parameters:

- Education refers to participation in secondary school, post-secondary school, adult education programs, or any other organized program of study leading to a degree or certificate.
- Individuals in secondary school at exit will be included in this measure.
- The term diploma means any credential that the state education agency accepts as equivalent to a high school diploma. TEGL 17-05 clarifies that the term diploma also includes post-secondary degrees including Associate's Degrees (AA and AS) and Bachelor's Degrees (BA and BS).
- Diplomas, GEDs, or certificates can be obtained while a person is still receiving services or at any point by the end of the third quarter after the exit quarter.
- Work readiness certificates will not be accepted under this measure.

C. Literacy and Numeracy Gains

Methodology:

Of those out-of-school youth who are basic skills deficient:

The number of youth participants who increase one or more educational functioning levels **divided by** the number of youth participants who have completed a year in the youth program (i.e., one year from the date of first youth program service) **plus** the number of youth participants who exit before completing a year in the youth program.

Operational Parameters:

- In-school youth are excluded from this measure. (Note: determination of in-school or out-of-school status is only made at point of program participation.)
- It is allowable to use pre-tests that are administered up to six months prior to the date of first WIA youth service, if such pre-test scores are available. If prior pre-tests are not available, administration of the pre-test must occur within 60 days following the date of first youth program service.
- This measure is based on “date of first youth program service” rather than date of participation because date of participation is defined as the earliest date of service from any program if a participant receives services from multiple programs. It is possible for the participation date of a youth to be prior to the date of first WIA youth service if such a youth was served earlier by a different program. Therefore, date of first WIA youth service is used to ensure that this measure is based on a “youth participation date” rather than the initial participation date.
- Individuals who are determined not to be basic skills deficient based on pre-test results are excluded from this measure (i.e., programs will not be held accountable for these individuals under this measure).
- When administering assessment tools, individuals with disabilities (as defined in 29 CFR Part 37.4) should be accommodated according to: (1) Section 188 of WIA: 29 CFR Part 37, Section 504 of the Rehabilitation Act of 1973, and Title H of the Americans with Disabilities Act), (2) guidelines associated with the assessment tool used to determine functioning levels, or (3) state law or policies. Further guidance can be found in TEGL 17-05 under the section called *Testing Youth with Disabilities*.
- The measure includes individuals who are given an initial assessment but, either:
 - (1) Do not post-test before exiting the program, or
 - (2) exit before completing a year in the youth program (i.e., one year from the date of first youth program service).
- To be included in the numerator, a participant must demonstrate on a post-test that he / she has advanced one or more educational functioning levels beyond the level in which he / she was initially placed at pre-test within one year from the date of first youth program service. (Note: the one-year time period is from date of first youth program service, not the date of pre-test.)
- All out-of-school youth must be assessed in basic reading / writing and math. The Tutoring/Study Skills service can be used to help out-of-school youth who are basic skills deficient.

WIA DATA SOURCES

- I. This section describes data sources and methods to collect data for the common measures. The data source(s) applicable to each measure are as follows:

PERFORMANCE MEASURE	DATA SOURCES
Adult Measures	
Entered Employment	Wage records and supplemental data sources
Employment Retention	Wage records and supplemental data sources
Average Earnings	Wage records Supplemental sources (only for grantees that do not have access to wage records)
Youth Measures	
Placement in Employment or Education	Wage records and supplemental data sources for placement in employment and military Administrative records for placement in education and Training
Attainment of a Degree or Certificate	Administrative records
Literacy and Numeracy Gains	Assessment instrument

A. Wage Records

To ensure comparability of the common measures on a national level, wage records are the primary data source for the employment-related measures (except as noted in this section).

1. Unemployment Insurance Wage Records

To the extent it is consistent with state law, UI wage records will be the primary data source for tracking the adult entered employment, retention, and earnings measures and the employment portion of the youth placement in employment or education measure. UI wage records include private sector, non-profit sector, and government employer wage reports such as:

- State government employment records
- Local government employment records
- Judicial employment records
- Public school employment records

2. Additional Wage Records

While most forms of employment in a state's workforce are "covered" and will be in the UI wage records as noted above, certain types of employers and employees are excluded by Federal UI law or are not covered under states' US laws. States may use record sharing and/or automated record matching with other employment and administrative data sources to determine and document employment and earnings for "uncovered" workers.

Additional wage record data sources include the following:

- a. Wage Record Interchange System (WRIS)
- b. U.S. Office of Personnel Management (OPM)
- c. U.S. Postal Service
- d. U.S. Department of Defense
- e. Railroad Retirement System
- f. State New Hires Registry
- g. State Department of Revenue or Tax (for individuals who are self-employed, information must be obtained through record-sharing or automated matching of state tax records)

ETA, in collaboration with the Office of Personnel Management, U.S. Postal Service, and the Department of Defense, has created a pilot data exchange system to provide access for all states to federal and military employment wage record information. The pilot data exchange programs is called the Federal Employment Data Exchange System (FEDES) and Georgia participates in this program.

B. Supplemental Sources of Data

Supplemental data will be used for program management purposes and to gain a full understanding of program performance and activities. Although a majority of employment situations will be covered by wage records, certain other types of employment, particularly self-employment, are either excluded from the sources of data identified under Subsection A above or very difficult for grantees to access due to data confidentiality (e.g., access to State department of Revenue or Tax records).

Grantees should not be discouraged from providing entrepreneurial training or assisting the hard-to-serve simply because the subsequent employment is not covered by wage records. Therefore, in order to convey full and accurate information on the employment impact of ETA programs, grantees may use supplemental sources of data to document a participant's entry and retention in employment for those participants not covered by wage records.

Allowable sources of supplemental information for tracking employment-related outcomes include case management notes, automated database systems, One-Stop operating systems' administrative records, surveys of participants, and contacts with employers. All supplemental data and methods must be documented and are subject to audit.

Supplemental data needs to be recorded to ensure it will be used when calculating performance.

See Section on Follow-Up Services and Activities for more information relating to requirements for supplemental data.

C. Administrative Records

Administrative records will be the data source for the education and training portion of the placement in employment or education measure and the attainment of a degree or certificate measure. All data and methods used to determine placement in education and training or achievement of a degree or certificate must be documented and are subject to audit.

1. Placement in Post-Secondary Education or Advanced Training / Occupational Skills Training

The following data sources can be used to determine whether participants in youth programs are placed in post-secondary education and / or advanced training / occupational skills training:

- a. Case management notes and surveys of participants to determine if the individual has been placed in post-secondary education and / advanced training / occupational skills training; or
- b. Record-sharing agreements and / or automated record matching with administrative / other data sources to determine and document that the participant has been placed in post-secondary education and / or advanced training / occupational skills training. These data sources may include:
 1. State boards governing community colleges

2. State boards governing universities
 3. State education associations
 4. Integrated post-secondary or higher education reporting units
 5. Training institutions / providers
2. Degree or Certificate
- The following data sources can be used to determine whether participants in youth programs attain degrees or certificates:
- a. Document in case management notes that the individual has received a degree or certificate. For data validation purposes, required documentation in the participant file includes the following sources:
 1. Transcripts
 2. Certificates
 3. Diploma
 4. Letter from school system

The date on the degree or certificate must match what is entered in GWS.
 - b. Record-sharing agreements and / or automated record matching with administrative / other data sources to determine and document that the participant has received a degree or certificate. These data sources may include:
 1. State boards of education
 2. State boards governing community colleges
 3. State boards governing universities
 4. State licensing boards for private schools
 5. State education associations
 6. Integrated post-secondary or higher education reporting units
 7. State Department of Professional or Occupational Regulation (possibly other units such as health care administration or specific boards like the “Board of Nursing”)
 8. Professional, industry, or employer organizations or product manufacturers or developers
 9. Training institutions / providers
 10. Adult Basic Education providers (GED / equivalent testing agencies)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Section 1232g; see the Act’s regulations at 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive U.S. Department of Education funds and may restrict access to a participant’s education outcome information. Grantees are encouraged to contact the Department of Education at (202) 260-3887 (voice), or visit the ED.gov website at <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html> for further assistance.

All the above information can be found in TEGL 17-05.

PARTICIPATION AND EXIT UNDER COMMON MEASURES

I. Point of Participation for common measures reporting

A. *What is the definition of a participant?*

A participant is an individual who is determined eligible to participate in the program and receives a service funded by the program in either a physical location (One-Stop Career Center or affiliate site) or remotely through electronic technologies.

B. *When does program participation occur?*

Following a determination of eligibility (if required), participation in a program commences when the individual begins receiving a service funded by the program. This phrase has the same meaning as the “date of participation” used in some of the measures. If the participant receives services from multiple programs, then states and grantees may use the earliest date of service as the “date of participation” when reporting on the measures in each program.

Operational Parameters:

1. Criteria that are used to determine whether an individual is eligible to participate will be based on the eligibility guidelines for the program.
2. The phrase “determined eligible to participate in the program” under WIA does not apply to individuals who receive core services in a self-service, facilitated self-help, or staff-assisted modality funded by the Wagner-Peyser Act. These individuals are considered participants and are included in the Wagner-Peyser Act performance accountability system.
3. Individuals who are age 18 or older who only receive WIA-funded self-service or informational activities are to be counted as participants under the WIA Adult program. Their treatment under the WIA performance accountability system is covered in Section 8 of TEGL 17-05.
4. Individuals eligible to participate in the WIA Dislocated Worker program who only receive WIA-funded core services, including self-service or informational activities, are to be counted as participants under the WIA Dislocated Worker program. Their treatment under the WIA performance accountability system is covered in Section 8 of TEGL 17-05.
5. An individual may be participating in several programs simultaneously and may be counted as a participant in each of those programs. For example, a customer who accesses information on a computer purchased / leased from one funding stream and who is assisted by an employee who is paid from yet another funding stream may be considered as a participant in both funding streams, as appropriate, and with consideration to the programs’ eligibility definitions.
6. Self-directed job search is a service and individuals who use self-directed tools for job search are participants. Please note that self-directed job search alone does not initiate participation in the WIA Youth program.
7. In accordance with Section 101(34) of the Workforce Investment Act, receipt of post-employment follow-up services designed to ensure job retention, wage gains, and career progress does not result in the commencement of a participation period.
8. Examples of other services and activities that do not commence participation in a program include the following:
 - a. Determination of eligibility to participate in the program;
 - b. Caseload management activities of an administrative nature that involve regular contact with the individual or employer to obtain information regarding his / her employment status, educational progress, or need for additional services;
 - c. Income maintenance or support payments (e.g., unemployment insurance (UI) benefit payments, Temporary Assistance for Needy Families (TANF), other cash assistance, Food Stamps, and subsidized childcare). ETA expects and encourages states to assure that UI claimants will be actively engaged in the search for new employment while they receive UI benefits and that the workforce investment system will provide reemployment services and job search assistance to speed their return to work.
 - d. Individuals who visit a physical location for reasons other than its intended purpose

(e.g., use of restrooms or ask staff for directions) are not participants.

II. Point of Exit for Common Measures

A. *What is the definition of program exit?*

The term program exit means a participant has not received a service funded by the program or funded by a partner program for 90 consecutive calendar days, and is not scheduled for future services. The exit date is the last date of service.

Operational Parameters:

1. In accordance with Section 101(34) of the Workforce Investment Act, receipt of post-employment follow-up services designed to ensure job retention, wage gains, and career progress do not count as a service that would extend the participation period. Such follow-up services that do not extend the period of participation could include, but are not limited to: additional career planning and counseling; contact with the participant's employer, including assistance with work-related problems that may arise; peer support groups; information about additional educational opportunities; informational mailings; and referral to supportive services available in the community. Although these services should not extend the participation period or delay program exit, states are reminded that these services may have a direct and positive impact on the employment retention and wage gains of participants who enter employment.
2. Examples of other activities that do not extend the period of participation or delay program exit include the following:
 - Determination of eligibility to participate in the program;
 - Caseload management services and any other required administrative case load management activities that involve regular contact with the participant or employer to obtain information regarding the participant's employment status, educational progress, or need for additional services;
 - Income maintenance or support payments (e.g., Unemployment Insurance (UI) benefit payments, Temporary Assistance for Needy Families (TANF), other cash assistance, Food Stamps, and subsidized childcare). ETA expects and encourages states to assure that UI claimants will be actively engaged in the search for new employment while they receive UI benefits and that the workforce investment system will provide reemployment services and job search assistance to speed their return to work. However, trade readjustment allowances and other needs-related payments funded through the Trade Adjustment Assistance (TAA) program, WIA, or National Emergency Grants are elements of a training program that delay program exit because these allowances and payments are tied to continuous participation in skills training.
3. Many grantees have the capability to track participants across partner programs. At a minimum, these grantees must track participant services across the DOL-funded required One-Stop partner programs until the individual exits all services. Grantees are encouraged to fully integrate Workforce Investment Act programs and services with all of the required and other appropriate partner programs to provide comprehensive business and participant services. ETA also encourages states to develop integrated data and reporting systems to support program integration and shared performance accountability.
4. The phrase "and is not scheduled for future services" does not apply to a participant who voluntarily withdraws or drops out of the program. In these circumstances, once a participant has not received any services funded by the program or a partner program for 90 consecutive calendar days, the date of exit is applied retroactively to the last day on which the individual received a service funded by the program or a partner program.

B. *Are there any exceptions to the definition of exit?*

A participant should not be considered as exited if there is a gap in service of greater than 90 days in one of the following circumstances:

1. Delay before the beginning of training;
2. Health / medical condition or providing care for a family member with a health / medical

condition;

3. Temporary move from the area that prevents the individual from participating in services, including National Guard or other related military service.

A gap in service must be related to one of the three circumstances identified above and last no more than 180 consecutive calendar days from the date of the most recent service to allow time to address the barriers to continued participation. However, grantees may initiate a consecutive gap in service of up to an additional 180 days for the participant that follows the initial 180 day period to resolve the issues that prevent the participant from completing program services that lead to employment. Grantees must document all gaps in service that occur and the reasons for the gaps in service, including the participant's intent to return to complete program services.

C. *When does exit from the program occur?*

Once a participant has not received any services funded by the program or a partner program for 90 consecutive calendar days, has no gap in service, and is not scheduled for future services, the date of exit is applied retroactively to the last day on which the individual received a service funded by the program or a partner program. If the participant receives services from multiple programs, then states and grantees may use the last or most recent date of service as the "date of exit" for use in reporting on the measures in each program.

Discussion:

To encourage service integration and recognize shared contributions toward performance outcomes, workforce programs, and, at a minimum, the required DOL funded One-Stop partner programs should share accountability under the common measures when the participant has exited all services funded by the program or funded by a partner program. Some methods for tracking a participant across programs include specifying services financially assisted by partner programs in the individual's service plans, coordinating service tracking through integrated data systems or other technologies, and providing coordinated follow-up services to individuals.

III. Exclusions from Common Measures

Occasionally, circumstances arise that are beyond the control of both the participant and the program and are expected to last for an undetermined period beyond 90 days. The intent here is to identify a common list of specific circumstances as to when a participant can be excluded from common measures. A participant in any of the following categories, either at the time of exit or during the three-quarter measurement period following the exit quarter, may be excluded from common measures:

- A. *Institutionalized* – The participant is residing in an institution or facility providing 24-hour support, such as a prison or hospital, and is expected to remain in that institution for at least 90 days. This reason does not apply to individuals with disabilities (as defined in 29 CFR 37.4) residing in institutions, nursing homes, or other residential environments; individuals participating in the Responsible Reintegration of Youthful Offenders program; and individuals participating in the Prisoner Reentry Initiative..
- B. *Health/Medical or Family Care* – The participant is receiving medical treatment or providing care for a family member with a health / medical condition that precludes entry into unsubsidized employment or continued participation in the program. This does not include temporary conditions or situations expected to last for less than 90 days.
- C. *Deceased*
- D. *Reserve Forces Called to Active Duty* – The participant is a member of the National Guard or a military reserve unit and is called to active duty for at least 90 days.
- E. *Relocated to a Mandated Program* – For youth participants only, the participant is in the foster care system or another mandated (residential or non-residential) program and has moved from the area as part of such a program. This does not include relocation to a Job Corps center.
- A. *Invalid or Missing Social Security Number* – Because the measures require grantees to match personally identifiable client records with wage and other administrative data in order to obtain outcome information, grantees may exclude from all the measures those participants who do not voluntarily disclose a valid social security number.

All of the above information can be found in TEGL 17-05.

REPORTING DIFFERENCES BETWEEN THE WIA ACCOUNTABILITY SYSTEM & COMMON MEASURES

One of the purposes for the introduction of common measures was to more accurately reflect the true number of individuals who benefit from the One-Stop system. ETA recognizes that states are dedicating significant resources to ensure that services (including core self-service and informational activities) are available to remote customers who access the workforce investment system via electronic technologies. ETA intends to provide Congress, the public and other interested stakeholders with more complete and accurate information on participation levels and types of services being provided through the nation's workforce investment system, including data on customers who access services via electronic technologies. However, confusion still exists as to when an individual receiving a program-funded service must be included in performance calculations. This confusion has resulted in a significant undercount of the number of individuals who benefit from funded services, as well as a distorted view of system outcomes, efficiency and efficacy of WIA, Wagner-Peyser Act, Jobs for Veterans Act, and other programs. The following sections seek to distinguish participants who need to be included in the common measures participant counts from participants who need to be included in performance calculations for WIA and other programs.

A. *Who needs to be reported in the common measures participant counts?*

ETA's policy requires state workforce agencies (SWAs) to report, in the appropriate participant counts, all individuals who have been determined eligible and receive a service, including self-service and informational activities, in either a physical location (One-Stop Center or affiliate site) or remotely through electronic technologies.

B. *Who needs to be included in the performance measures calculations?*

All participants who receive a core, intensive, or training service who exit the program are to be included in performance measures calculations, except that Section 136 of WIA expressly excludes WIA adult and dislocated worker program participants who only receive self-service or informational activities from performance calculations.

The exclusion of participants receiving only self-service or informational activities from the WIA performance calculations has been a major source of confusion and misrepresentation at the state and local level, and has resulted in large numbers of participants being improperly excluded from the outcome performance calculations. ETA is clarifying its interpretation of self-service and informational activities in order to promote greater accountability and consistency among states in their performance computations for the WIA Adult, Dislocated Worker, Wagner-Peyser Act, Jobs for Veterans Act, and Trade Act programs.

1. Self-Service and Informational Activities

According to 20 CFR 666.140(a)(2), **self-service** and **informational activities** are those core services that are made available and accessible to the general public; that are designed to inform and educate individuals about the labor market, their employment strengths and weaknesses, and the range of services appropriate to their situation; and that do not require significant staff involvement with the individual in terms of resources or time.

ETA interprets the critical terms above as follows:

Self-service occurs when participants serve themselves in accessing workforce investment system information and activities in either a physical location, such as a One-Stop Career Center resource room or partner agency, or remotely via the use of electronic technologies.

Informational activities in a workforce investment setting may include both self-services and staff-assisted core services that are designed to inform and educate a participant about the labor market and to enable a participant to identify his or her individual employment strengths, weaknesses, and the range of services appropriate for the individual. The exception is core services that require significant staff involvement, as described below.

2. Clarification of Significant Staff Involvement

Significant staff involvement is fundamental to determining if a participant will be considered in performance calculations. The critical distinction is determining when a participant has received a level of service that requires significant staff involvement.

Significant staff involvement in a workforce investment setting is any assistance provided by staff beyond the informational activities described above regardless of the length of time involved in providing such assistance. Significant staff involvement includes a staff member's assessment of a participant's skills, education, or career objectives in order to achieve any of the following:

- a. Assist participants in deciding on appropriate next steps in the search for employment, training, and related services, including job referral;
- b. Assist participants in assessing their personal barriers to employment; or
- c. Assist participants in accessing other related services necessary to enhance their employability and individual employment related needs.

A participant who receives this level of service has received a service that involves a significant level of staff involvement; therefore, this participant would be included in the performance measures calculations.

On the other hand, when a staff member provides a participant with readily available information that does not require an assessment by the staff member of the participant's skills, education, or career objectives, the participant is a recipient of informational activities. This includes information such as labor market trends, the unemployment rate, information on businesses that are hiring or reducing their workforce, information on high-growth industries, and occupations that are in demand.

A participant is also a recipient of informational activities when a staff member provides the participant with information and instructions on how to access the variety of other services available in the One-Stop Career Center, including the tools in the resource room.

A participant who only receives this level of service has not received a service that involves a significant level of staff involvement; therefore, he/she is a participant who would be excluded from the performance measures calculation.

3. Inclusion of Participants in Performance Calculations by Program

Although the WIA Adult and Dislocated Worker program participants who access or receive only self-service or informational services are excluded in the WIA performance calculations, these participants should be included in the Wagner-Peyser Act reporting and performance calculations to the degree that Wagner-Peyser Act funds contributed to the core employment and workforce information services received.

In accordance with policy principles in TEGL 17-05, if a participant is served by a specific funding stream, he/she will be counted as a participant in that funding stream's reporting system and/or performance calculations. For example, Wagner-Peyser Act funds are often used to support and maintain One-Stop Career Center operations, electronic tools, job banks, and workforce information services. In these situations, it would be appropriate to include participants who accessed or received Wagner-Peyser Act-funded services in the Wagner-Peyser Act performance accountability system. Where WIA program funds are used in similar ways, participants who receive self-service or informational activities would only be included in the WIA participant and services counts, but would not be counted in the WIA performance measures.

GOWD is accountable for assuring uniform application of ETA policy and is available to assist local service providers in making these determinations.

All of the above information can be found in TEGL 17-05.

ELIGIBILITY

The Eligibility section defines policy for general eligibility determination, social security number procedures, family size and income determination, selective service registration requirements, priority of service, and the individual employment plan and service strategy.

GENERAL ELIGIBILITY DETERMINATION PROCESS

In order to be eligible to receive services or participate in activities funded by WIA monies made available to GOWD; all participants must be able to prove their Citizenship or Eligible Noncitizen status. Services funded by WIA shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

WIA Section 188(a)(5)

I. Acceptable documents that establish both Citizenship (Identity) and Employment Eligibility status:

- U.S. Passport (unexpired or expired)
- Unexpired Foreign Passport, with temporary I-551 stamp or attached unexpired Arrival-Departure Record, INS Form I-194, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for a US employer.
- Permanent Resident Alien Card or Alien Registration Receipt Card (INS Form I-551)
- Unexpired Employment Authorization Document that contains a photograph (INS Form I-688, I 688-A, I-688B, or I-766)

If the applicant does not provide one of the above documents, they will be required to provide at least 1 document from each of the 2 lists below.

II. Acceptable documents that establish Citizenship (Identity):

- Valid Driver's License or ID Card issued by a state or U.S. Territory
- ID Card issued by federal, state, or local government agency or entity – must contain photograph or information, such as name, date of birth, gender, height, eye color, and address
- School ID Card with photograph
- Voter Registration Card
- US Military Card or Draft Record
- US Coast Guard Merchant Mariner Card
- Native American Tribal Document
- Driver's License issued by a Canadian government authority
- For individuals under the age of 18 they may provide either a school record, school report card, clinic record, doctor record, hospital record, day care record, or nursery record

III. Acceptable documents that establish Employment Eligibility:

- US Social Security Card issued by the Social Security Administration
- Certificate of Birth Abroad issued by the Department of State (Form FS-545 of Form DS-1350)
- Original or certified copy of birth certificate issued by a state, county, or municipal authority
- Native American Tribal Document
- US Citizen ID Card (INS Form I-179)
- Unexpired Employment Authorization Document issued by DHS

In addition to the above Citizenship and Employment Eligibility requirements, all male applicants for WIA funded services must be able to prove they have properly registered with Selective Service or are exempt from doing so. See Selective Service Registration Requirements Section 3.3.5.4 of this manual. Georgia Workforce System (GWS) is used to maintain and track services provided through the funding program in this Manual.

IV. Application

The application process includes completion of the GWS application form. All

service providers are required to use the GWS, WIA.08. The completed application shall be electronically entered in GWS.

The application process requires evidence of all necessary eligibility documentation regarding citizenship, age, income (for youth and adults), selective service registration (if applicable), and a standardized basic skills assessment for math and reading levels. Upon completion of eligibility determination, eligible applicants are placed in an applicant pool. **For adults and dislocated workers**, enrollment for services beyond the Core level is based on eligibility criteria, participant need and programmatic considerations.

Equal Opportunity data must be collected at this point. (WIA Section 188(a))

V. Referral

Local Workforce Areas shall provide information to eligible applicants, whether enrolled in WIA or not, of the services available through WIA service providers, including information for women regarding the opportunities for nontraditional training and employment. Determination may be made prior to enrollment in WIA to refer an eligible applicant to another service agency or training and education program deemed more suitable for the individual. Each service provider shall ensure that an eligible applicant who cannot be served by its particular program shall be referred to appropriate agencies, both within and outside the WIA system that may be able to better serve the applicant.

VI. Confidentiality and Release Of Information

State and federal privacy laws safeguard an individual's privacy from the misuse of federal and state records and provide individuals access to their records. Providers must maintain participant and applicant files in a manner to safeguard confidentiality.

Funding source agencies have access to participant files. Access to files should be granted on a "need to know" basis. If other agencies, prospective employers, or other individuals or agencies request access to information in a file, an authorization of release for the information must be obtained from the participant.

Access to the records from other agencies may also require authorization for release of information.

SOCIAL SECURITY NUMBER PROCEDURE

In accordance with Section 7 of the Privacy Act of 1974 (5 U.S.C. Section 552a Note Disclosure of Social Security Number), unless the disclosure is required by Federal statute, applicants may not be denied any right, benefit or privilege provided by law because of the individual's refusal to disclose his/her Social Security Number (SSN).

Disclosure of an individual's social security number pursuant to the Internal Revenue Code where it is used as the identifying number for the purposes of a return, statement or any other document under the Code (i.e., for payment of wages for OJT, Work Experience, etc.) may be properly required.

I. Guidelines For Obtaining Social Security Number

Although an applicant cannot be denied WIA services for failure to disclose their SSN, they must submit their SSN in order to receive wages paid while participating in WIA (i.e., OJT).

Training and Employment Guidance Letter (TEGL) No. 5-08 (issued November 13, 2008) says that States must request a participant's social security number when offering intensive WIA services or providing financial assistance, however the State may not deny access to any participant who refuses to provide a social security number. Not obtaining an SSN from a participant means that any outcomes for this participant would be excluded from performance measures unless supplemental information is available to verify the performance outcomes for non-wage based measures.

It is important for service providers to request the applicant's SSN at intake and advise them that their social security numbers are maintained in a secure and confidential manner. Applicants should also be advised that the State only uses the SSN for the following:

- A. Payment of wages and allowances, even though at intake it may not be possible to determine the form of payment, if any, the applicant will receive; and
- B. Tracking Unemployment Insurance Wage Records for the calculation of program performance measure outcomes.

According to Federal reporting requirements a valid SSN must be obtained and recorded prior to termination and record transmittal. The regulations further state that The Department (USDOL) assumes full responsibility for protecting the confidentiality of the data and will ensure that data files are maintained according to applicable Federal laws, with particular emphasis upon compliance with the provisions of the Privacy Act and the Freedom of Information act. It will remove SSN from participant files before they are shared with Federal agencies and other users." **All recipients of WIA Title IB funds are governed by these requirements.**

II. Procedure for obtaining Social Security Number

Providers should assist the applicant in obtaining a SSN from the Social Security Administration. Please note this in the participant's file.

FAMILY SIZE AND INCOME DETERMINATION

I. Family Size

Family size must be determined and verified only if using family income to determine low-income status. Family size will be determined by counting the maximum number of family members in the residence during the last 6 months, not including the current month.

A family, for eligibility purposes, means two or more persons related by blood, marriage or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- A. A husband, wife and dependent children
- B. A parent or guardian and dependent children
- C. A husband and wife

WIA Section 101(15)

In certain cases, an individual may be considered a "family of one" for the purpose of eligibility determination. This includes individuals with a disability whose family income may exceed the income criteria, but whose own income meets the income criteria.

20 CFR 664.250(a)(b)

II. Income Determination

Income is the amount of all reportable income for each family member for the prior six (6) months. This amount multiplied by two (2) is the total annualized family income.

Family income means all includable income actually received from all sources by all members of the family during the income determination period. However, when computing family income, the income of a spouse and/or other family members shall only be counted for that portion of the income determination period that the person was actually a part of the family of the applicant. Family size for the determination period is the maximum size of the family during such period. All items not expressly excluded are includable income.

Applicants having minimum or no income should complete an applicant statement that describes their means of support in the last six months.

INCLUDE In Family Income:

1. Money wages and salaries before any deductions;
Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership after deductions for business expense);
2. Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);
3. Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, and training stipends;
4. Alimony;
5. Military family allotments or other regular support from an absent family member or someone not living in the household;
6. Pensions whether private, government employee (including Military retirement pay);
7. Regular insurance or annuity payments **other than** Supplemental Security Income disability (SSI) or veterans' disability;
8. College or university grants, fellowships, and assistantships;
9. Net gambling or lottery winnings;
10. Social Security Disability Insurance payments (SSDI)
 - **Social Security Disability Insurance (SSDI) pays benefits to individuals that have worked in the past, paid Social Security taxes, and are currently unable to work**

for a year or more because of a disability. SSDI is considered income replacement and must be included in family income.

EXCLUDE from family income:

1. Unemployment compensation;
2. Child support payments;
3. Public Assistance payments (including Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Refugee Case Assistance (RCA), and General Assistance (GA));
 - **Supplemental Security Income (SSI) is a program that pays benefits to disabled adults and children who have limited income and resources. It is also paid to people 65 and older without disabilities who meet the financial limits. SSI is considered cash assistance and individuals receiving SSI are automatically income eligible the same as individuals receiving TANF or SNAP. A WIA applicant on SSI is a family of one. Refer to the Adult or Youth Verification Worksheets for acceptable documentation for SSI recipients.**
4. Foster care child payments;
5. Title IV of the Higher Education Act (i.e., Pell Grants, Federal Supplemental Educational Opportunity Grants (FSEOG), and Federal Work-Study (FWS);
6. Needs-based scholarship assistance;
7. Income earned while [the veteran was] on active military duty and certain veteran's benefits (i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance);
8. Capital gains;
9. Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;
10. Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury;
11. Non-cash benefits such as employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, Food Stamps (**received or has been determined eligible to receive Food Stamps (SNAP) within the six month period prior to application for the program**); school meals, and housing assistance;
12. Old age and survivors insurance benefits received under section 202 of the Social Security Act (42 USC 402).
 - **Old age and survivors insurance benefits include:**
 - Social Security Survivor Benefits these are benefits paid to people up to age 18 who have had a parent die and the parent paid wages into the system; and**
 - Social Security Retirement Benefits – these are benefits that are paid to people who reached their social security age and have wages paid in the system.**

SELECTIVE SERVICE REGISTRATION REQUIREMENTS

I. Selective Service Registration

All participants enrolled in WIA Adult, Dislocated Worker and Youth programs must be in compliance with Selective Service Registration under the Military Selective Service Act as a condition for participation. ***This policy is in accordance with the TEGL No. 11-11, change 2 dated May 16, 2012.***

Those required to register with Selective Service include:

Men born on or after January 1, 1960 and who are:

1. Citizens of the United States;
2. Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday and/or;
3. Dual nationals of the United States and another country regardless of where they live.

Selective Service registration is not required of **U.S. citizens** if the male falls within one of the following categories:

1. Men who are serving in the military on full-time active duty;
2. Men attending the service academies;
3. Disabled men who are continually confined to a residence, hospital or institution; and/or
4. Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

Selective Service registration is not required of **non-U.S. citizens** if the male falls within one of the following categories:

1. Non-U.S. male who came into this country for the first time after his 26th birthday

Acceptable forms of supporting documentation include:

- a. Date of entry stamp in his passport;
 - b. I-94 with date of entry stamp on it; or
 - c. Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the U.S. presented in conjunction with documentation establishing the individual's age.
2. Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.
 3. Non-U.S. male on a valid non-immigrant visa.

The lists are not intended to be exhaustive and the Selective Service System provides a quick reference chart showing who must register on the Selective Service website at

<http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf>

II. Selective Service Compliance

In order to be eligible to receive WIA-funded services, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirement. Acceptable documentation showing registration status includes:

1. Selective Service Acknowledgement letter
2. Form DD-214 "Report of Separation"
3. Screen printout of the Selective Service Verification on the Selective Service website at www.sss.gov/RegVer/wfVerification.aspx. For males who have already registered this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
4. Selective Service Registration Card
5. Selective Service Verification Form (Form 3A) and/or
6. Stamped Post Office Receipt of Registration

III. Registration Requirements for Males Under 26

Prior to being enrolled in WIA-funded program, all males born on or after January 1, 1960 who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at www.sss.gov.

Male participants who enter the WIA program at age 17 or younger and attain age 18 while participating in the program must be registered for Selective Service by the 30th day after their 18th birthday to remain eligible for WIA services. Funds expended on male participants not registered for Selective Service by the 30th day after their 18th birthday may be considered disallowed costs. Any male youth participant who attains age 18 while enrolled in WIA and refuses to comply with Selective Service Registration requirements shall be exited from the WIA youth program. These youth would not be placed in follow-up and there should be case notes that describe, in detail, the circumstances as to why services were not/could not be continued.

IV. Registration Requirements for Males 26 Years and Over

Before enrolling in WIA Title 1 – funded services, all males 26 years of age or older, must provide (1) documentation of compliance with the Selective Service registration requirement; (2) documentation showing they were not required to register; or (3) if they were required to but did not register, documentation establishing that their failure to register was not knowing and willful.

The grantee, subgrantee, or contractor that enrolls individuals in WIA funded activities may require that males 26 years and over, who failed to comply with Selective Service registration requirement, request a Status Information Letter (SIL) before making a determination that the failure to register was knowing and willful. Alternatively, an entity may initiate its process to determine if the failure to register was knowing and willful without first having the potential program participant request the Status Information Letter. The second option may be preferable for entities that have time limits for enrolling participants (e.g. individuals recently released from incarceration).

V. Requesting a Status Information Letter

An individual may obtain a SIL if he (1) believes he was not required to register; or (2) did register but cannot provide any of the documentation listed above. The Request for Status Information Letter form can be accessed at <http://www.sss.gov/PDFs/infoform.pdf>.

If the SIL indicates that an individual was not required to register for the Selective Service, then he is eligible to enroll in services funded by WIA. If the SIL indicates that the individual was required to and did not register, he is presumed to be disqualified from participation until it can be determined that his failure to register was not knowing and willful. All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.

XIV. Determining Knowing and Willful Failure to Register

If the individual was required but failed to register as determined by the SIL or his own acknowledgment, he may only receive services if he can establish by a preponderance of the evidence that the failure to register was not knowing and willful. The grantee, subgrantee, or contractor that enrolls individuals in WIA funded activities is responsible for evaluating the evidence presented and determining whether the failure was knowing and willful. Evidence presented may include the individual's written explanation and supporting documentation of the circumstances at the time of the required registration and the reasons for failure to register.

If an authorized organization determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the authorized organization determines that evidence shows that the individual's failure to register was knowing and willful, WIA services must be denied. Individuals denied services must be advised of available WIA grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations related to Selective Service.

XV. Georgia Immigration Law

Youth participants who are turning 18 must also comply with Georgia's Immigration Law that requires customer affidavits for eligibility to receive a public benefit.

If an applicant does not meet all the criteria as listed in this policy, but believes they should be provided with WIA funded services, please contact GOWD at 404-463-5030 for technical assistance and approval. All sub-recipients of WIA funds made available by GOWD must collect and maintain these records. Records will be reviewed for accuracy and completeness during on-site monitoring conducted by GOWD. Failure to maintain these records could result in disallowed costs.

ADULT AND DISLOCATED WORKER ELIGIBILITY AND PRIORITY FOR SERVICES

I. General Eligibility Requirements

A. To receive Title I B Adult or Dislocated Worker **intensive** services, an individual must:

1. Be a U.S. Citizen or Registered Alien;
2. Meet Selective Service Registration requirements, if applicable; and

B. Additional Eligibility Requirements for Adults

1. Individuals must be 18 years of age or older and
2. Meet the priority for service definition for adults.

C. Additional Eligibility Required for Dislocated Workers

An individual must meet the WIA definition of a dislocated worker or displaced Homemaker.

II. Priority For Service (WIA Regulations 20 CFR Part 663.600)

Core Services are **not** subject to priority requirements. Core services are universally available to **all** individuals entering a one-stop system facility.

The State Workforce Investment Board established the policy that public assistance recipients and other individuals with low incomes would receive the highest priority for WIA services after all eligible veterans and eligible spouses of veterans have been considered for services. Covered persons (veterans and eligible spouses) are identified at the initial point of contact within the One-Stop offices so that priority of service can be provided to veterans for the delivery of employment, training, job placement and related services as stated in the Jobs for Veterans Act (P.L. 107-288).

After all eligible veterans and their spouses have received priority of service, priority for intensive and training services must be given to recipients of public assistance and other low-income individuals. Low income status proof may be in the form of a letter from the Department of Family and Children Services (DFACS).

After these low-income considerations, Georgia has established the following guidelines to assist Local Boards in this task:

- Where training funds are limited, local areas may choose to prioritize services for individuals. Policies at the local level may give priority to individuals with one or more characteristics of special target populations. Some examples of these characteristics are: unemployed, lacks a high school diploma or GED, poor work history, offender, limited English-speaking, poor basic skills, TANF or Food Stamp recipient, underemployed* or other factors most relevant to the community.
- Local areas will identify and prioritize training in occupations in demand in the local labor market. An occupation in demand may include a job where there is limited demand, but an individual has a bona fide job offer contingent upon completion of training.
- Training funds should generally be used to build on existing skills first. If an individual may be trained for a quality job more quickly and economically by building on existing skills, that may take precedence over training the individual for an entirely new occupation. The customer's interests, the demands of the labor market, and limited funds must be taken into consideration.

**Underemployed: Person who is working part time and desires but cannot obtain full time employment with current skills; or a person who is working in employment not commensurate with the individual's demonstrated level of educational attainment; or a person who is working full time but whose current annualized wage rate is not in excess of "for a family of one" the percentage of the lower living standard income level set forth by local policy.*

YOUTH

I. General Requirements

In order to be considered for the WIA Title IB youth program an individual must:

1. Be a U.S. Citizen or Registered Alien;
2. Be between the ages of 14 and 21 at the time of enrollment; and
3. Meet Selective Service Registration requirements. **Note:** Youth who become of age for Selective Service registration after enrollment must meet Selective Service requirements by their 18th birthday.

II. Eligibility Requirements

WIA Section 101(13)(25) defines an eligible youth as an individual who:

- A. Is not less than 14 and not more than 21 at time of enrollment;
 - B. Is a low income individual and
- C. Is within one or more of the following categories;
 1. Deficient in basic literacy skills;
 2. School dropout
 3. Homeless, runaway, or foster child;
 4. Pregnant or parenting;
 5. Offender;
 6. Is an individual (including a youth with a disability) who requires additional assistance to complete an educational program, or to secure and hold employment.

III. Funding Requirements

- A. The purpose of Title IB youth funds is to provide to eligible youth:
 1. Assistance in achieving academic and employment success by providing effective and comprehensive activities which will improve educational and skill competencies and enhance connections to employers;
 2. Ongoing mentoring opportunities for eligible youth with adults committed to providing such opportunities;
 3. Training services, support services, and incentives for recognition and achievement; and
 4. Opportunities for activities related to leadership development, decision-making, citizenship, and community service.

WIA Section 129

- B. Serving Out-of-School Youth

At a minimum, **30 percent** of WIA funds allocated to youth programs must be used to provide activities to out-of-school youth. An Out-of-School youth is defined as:

1. an eligible youth who is a school dropout; or
2. an eligible youth who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed or underemployed.

WIA Section 101(33)

A youth who is out of school at the time of registration and subsequently placed in a school setting may be considered an out-of-school youth for the purposes of the 30 percent expenditure requirement in WIA Regulations 20 CFR Part 664.310.

The Workforce Investment Act Section 101(39) defines a *school dropout* as an individual who is no longer “attending any school” and who has not received a secondary school diploma or its recognized equivalent. A youth attending an alternative school at the time of registration is **not** a dropout.

IV. Five-Percent (5%) Window Eligibility

Up to five-percent of youth served by youth programs may be participants who are not economically disadvantaged **provided** they meet the selective service requirements and

are in one or more of the following categories:

1. School dropout
2. Deficient in basic literacy skills (reading or writing skills below a 8th grade level in a generally accepted standardized test or a criterion referenced test;
3. Are one or more grade levels below the grade level appropriate to the individual's age;
4. Homeless or runaway;
5. Pregnant or parenting;
6. Possess one or more disabilities, including learning disabilities;
7. Offender; or
8. Is an individual who faces serious barriers to employment as defined by the local board.

WIA Regulations 20 CFR Part 664.220

NOTE: The 5% of youth is per area and not each youth provider.

Refer to the Five Percent Eligibility Table in this section for definitions.

VI. Youth Eligibility Definitions

Selective Service Registration (Males Only)	Definition
Applies to all male applicants 18 and older. Youth turning 18 after registration must meet the selective service requirements by their 18 th birthday.	See Section 3.3.6.4 Selective Service
General Eligibility Item (All Apply)	Definition
Citizenship or Eligible to Work	An individual who is a US citizen or is a legal alien authorized to work in the US.
Age	An individual who is between the ages of 14 and 21 at time of enrollment.
<p>Low-Income</p> <p>Note: If not income eligible, participant may be enrolled under the five percent window provided the enrollment will not exceed the five percent limit for the area. Refer to the Five Percent Table</p> <p>Low income status can be proven with a letter from DFACS</p>	<p>An individual who</p> <ul style="list-style-type: none"> (a) receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program; (b) received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, cash public assistance, and old-age and survivors insurance benefits under the Social Security Act that, in relation to family size, does not exceed the higher of (I) the poverty line, for an equivalent period; or (II) 70 percent of the lower living standard income level, for an equivalent period (<i>see Section 3.3.6.3 Income/Family Size Determination for guidance on how low-income status is determined</i>); (c) is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977; (d) qualifies as a homeless individual as defined by the Steward B. McKinney Homeless Assistance Act; (e) is a foster child on behalf of whom State or local government payments are made; or (f) is an individual with a disability whose own income meets the requirements of a program described in subparagraph (a) or (b), but who is a member of a family whose income does not meet such requirements. (<i>WIA Section 101(25)</i>)

VII. Five Percent Eligibility Definitions

5% Window Eligibility	Definition
	At least one must be documented
Youth with One or More Disabilities, Including Learning Disabilities	An individual who has a physical or mental disability or impairment that for such individual constitutes or results in a substantial handicap to employment.
One or More Grade Levels Below the Grade Level Appropriate to the Individual's Age	Grade Level--appropriate for age means the grade level in school that ordinarily matches with a certain age level.

INDIVIDUAL EMPLOYMENT PLAN (IEP)

An Individual Employment Plan (IEP) is required for Adult and Dislocated Worker participants in WIA Title IB Intensive and Training services. It is both a form **and** a continual process. The IEP is developed in partnership with the participant. The IEP identifies where the participant is, where the participant wants to be and the appropriate mix and sequence of services and support to reach a realistic employment goal.

- I. Initially the IEP shall be the basic instrument, which documents:
 - A. That participants have had an initial assessment;
 - B. The decisions made regarding the mix and combination of services for the participant, including referrals; and
 - C. Quarterly reviews to evaluate the progress of the participant in meeting planned objectives.
- II. The IEP form shall include a description of:
 - A. Short and long term goal(s) and objectives;
 - B. Appropriate, measurable achievement objectives to meet those goals;
 - C. Mix and sequence of services and other resources needed
 - D. Organizations and/or individuals who will provide those services or resources; and
 - E. **The twelve-months (12) of supplemental follow-up contact with participants who have exited to unsubsidized employment for performance purposes; and 12 twelve months of follow-up services which may be provided to participants who have entered unsubsidized employment to help them with employment retention, wage gains and their career progress. (The extent of the follow-up services provided may be based on the availability of funding)**

A signed copy (signed by program staff and participant) must be provided to the participant and the original maintained in the participant's file.

Once the IEP form is complete and the participant is enrolled in a WIA or state program, case managers must open up a GWS file for that participant. The goals, objectives and potential services based on the information in the IEP should be set up in the Employment Plan and from that point on case managers will use the Employment Plan as a continuance of the IEP. The Employment Plan should be reviewed regularly and updated quarterly as documented in case or progress notes. **Follow-up services must be opened on the current Employment Plan for all adults who have exited to unsubsidized employment. Case managers should not open a separate Employment Plan for Follow-up.**

Although currently, each local area in Georgia uses a unique IEP and ISS, it is the advice of the State Workforce Investment Board (SWIB) that a standard IEP and ISS should be used statewide in Georgia. Creation of the policy, required forms and staff training would need to be outlined and implemented prior to release of a standard, statewide IEP and ISS.

INDIVIDUAL SERVICE STRATEGY (ISS)

I. Description

An ISS is required for all WIA Title IB youth participants. The ISS is developed in partnership with the participant. It identifies where the participant is, where the participant wants to be, and the appropriate mix and sequence of services and support to reach realistic goals. It is both a form **and** a continual process.

A. The ISS form shall be the basic instrument, which documents:

1. Objective assessment results;
2. Program/employment/career goals, timeline for attainment, expected wage at placement;
3. Mix and sequence of services, including supportive services, and other resources needed to achieve program/employment/career goals; components of this section include:
4. Short and long-term objectives;
5. WIA program element(s) provided to assist the youth in achieving short and long-term objectives;
6. Timeline for attainment and date attained;
7. How the program element is being provided, i.e., in-house or through a referral with a specific agency or service listed; and
8. Discussion of follow-up services that will track the progress of youth after exit from the program; and based on the youth's needs, provided assistance to help the youth secure better jobs, career development and further education.

The ISS should be reviewed at least quarterly and updated as needed.

The Participant Agreement must be signed and dated by program staff and the participant. A signed copy of the Participant Agreement must be provided to the participant and the original attached to the ISS and maintained in the participant's file.

Once the ISS is complete and the participant is enrolled in a WIA program, case managers must open up an Employment Plan for that participant. The goals, objectives and potential services based on the information in the ISS should be set up in the Employment Plan and from that point on case managers will use the Employment Plan as a continuance of the ISS. The Employment Plan should be reviewed regularly and updated quarterly.

II. Objective Assessment

Service providers are required to provide an objective assessment of the academic levels, skill levels and service needs of each participant, which shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant. (WIA Section 129 (C)(1)(a) and 20 CFR 664.400(a)(1)) Participants concurrently registered in Youth, Adult and Dislocated Worker Programs will require both an ISS and an IEP.

III. Other Assessments

Service providers have the flexibility to determine the methods used to meet the objective assessment requirements. The methods used include, but are not limited to, structured interviews, paper and pencil tests, performance tests, behavioral observations, interest and attitude inventories, career guidance instruments, personality profiles and aptitude tests. All assessment results should be considered when developing the Individual Service Strategy. Assessment results shall be maintained in each participants file and include the participant's name and the date the assessment was conducted.

SERVICES AND ACTIVITIES FOR WIA

The Workforce Investment Act provides for three levels of services for adults and dislocated workers; core, intensive and training, with service at one level being a prerequisite to moving to the next level.

I. Adults and Dislocated Workers

A. Core Services

Core services are universally available to everyone entering the facility. Other partner sites need only provide the core services appropriate to their participants and funding source.

Pre-registration Services include all core self-help services and core services requiring minimal staff assistance including:

1. Determinations of eligibility to receive assistance under WIA Title I;
2. Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system

All individuals entering or re-entering services are to be oriented to the program. Required information for the orientation is the participant's rights and procedures for filing grievances and claims of discrimination. Additional topics for orientation may include:

- An introduction to the program -- purpose and goals;
- Rules and regulations of the program;
- Provider responsibilities;
- Participant responsibilities;
- Program resources and supportive services available;
- Job-related injury procedures; and
- Wage and pay information.

While participants who have previously been enrolled in the program may not need an extensive orientation, they still need to be oriented briefly on all areas and especially on any program changes.

Orientation must include information and documented acknowledgement of procedures for complaints, grievances, and discriminatory practices. Documentation that the applicants/participants have received information regarding the above-mentioned procedures is the completed two-part "Equal Opportunity is the Law" participant discrimination form. One copy of this document must be maintained in the participant file and one must be provided to the applicant/participant.

3. Initial assessment of skill levels, aptitudes, abilities, and supportive service needs;
4. Job search and placement assistance, and where appropriate, career counseling;
5. Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas. Labor Market Information (LMI) must be provided to participants in every program. LMI generally encompasses four major areas:
 - a. National and state of Georgia job trends, including supply and demand.
 - b. Local job opportunities.
 - c. Education and skill requirements for jobs.
 - d. Job seeking skills (writing resumes, job interview techniques, etc.).

LMI can be obtained from the Georgia Department of Labor at

http://www.dol.state.ga.us/em/get_labor_market_information.htm.

6. Provision of performance information and program cost information on eligible providers of training services:
 - Youth Activities
 - Adult education
 - Providers of post-secondary vocational education
Vocational education activities available to school dropouts under the Carl Perkins Act and Applied Technology Education Act; and
 - Vocational Rehabilitation program activities.
7. Provision of information regarding how the local area is performing on local performance measures and any additional performance information with respect to the one-stop delivery system in the local area;
8. Provision of accurate information relating to the availability of supportive services, including child care and transportation available in the local area, and referral to such services, as appropriate;
9. Provision of information regarding filing claims for unemployment compensation;
10. Assistance in establishing eligibility for:
 - a. Welfare-to-work activities available in the local area; and
 - b. Programs of financial aid assistance for training and education programs that are not funded under WIA and are available in the local area;
 - c. Computer Resources, Resource Room, and Open Workshops that are available;
11. Provide information on follow-up services that may be available to participants, as appropriate, including counseling regarding the workplace for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.

Rapid Response – may only be used by Job Service Workforce Center staff or agency that receives Rapid Response funds.

B. One-Stop Services

Moving from Core to Intensive Services

In order for an adult to move from core services to intensive services, individuals must receive at a minimum:

- Eligibility determination; and
- An initial assessment indicating **a further (comprehensive) assessment is required to determine** intensive services are necessary for the individual to obtain or retain employment leading to self-sufficiency.

In order for a dislocated worker to move from core services to intensive services individuals must receive, at a minimum:

- Eligibility Determination; or
- Rapid Response activities or an initial assessment by a service provider indicating that intensive services are necessary for the individual to obtain or retain employment leading to self-sufficiency.

C. Intensive Services

Priority Groups

Intensive services are available to adults and dislocated workers who are members of a priority group and;

- are unemployed and are unable to obtain employment through core services provided; and
- have been determined by a one-stop operator to be in need of more intensive services in order to obtain employment; or
- are employed, but have been determined to be in need of intensive services in order to obtain or retain employment that leads to self-sufficiency.

Types of Intensive services include:

1. Comprehensive and specialized assessments of the skill levels and service needs which may include:
 - (a) Diagnostic testing and use of other assessment tools; and
 - (b) In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
2. Development of an individual employment plan (IEP) to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals;
3. Group counseling;
4. Individual counseling and career planning;
5. Case management for participants seeking training services;
6. Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;
7. Work Experience/Internships;
8. Adult Basic Education/Literacy Services.

Moving from Intensive to Training Services

To move from intensive services to training services there must be significant Development of the IEP that indicates training is necessary for the individual to obtain or retain employment leading to self-sufficiency.

The individuals must receive, at a minimum:

1. an established IEP as described above; and
2. a comprehensive and specialized assessment of skill levels and service needs; or
3. group and/or individual employment counseling; or
4. case management and career planning.

D. Training Services

Training services means any WIA-funded and non-WIA funded training service.

Individuals with other employment issues shall be afforded opportunities for participation in training activities designed to improve participation in the workforce and lead to higher earnings for individuals who successfully complete them. Training activities for persons in these groups will be provided in the context of the state's vision to provide universal access for all customers.

1. Training Services may be provided to adults and dislocated workers:
 - a. Who have met the eligibility requirements for intensive services and who are unable to obtain or retain employment through such services;
 - b. Who after an interview, evaluation, or assessment, and case management, have been determined to be in need of training services and to have the skills and qualifications to participate successfully in the selected program of training services;
 - c. Who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which individuals receiving such services are willing to relocate; and
 - d. Who are unable to obtain other grant assistance for such services, including Federal Pell Grants; or
 - e. Require assistance beyond that made available under other grant assistance programs, including Federal Pell Grants; **and** who are determined to be eligible in accordance with the priority for services criteria and the service provider's determination of funds available to provide the service.

Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, the training provider must reimburse the service provider the WIA funds used to pay the tuition portion of the training costs from the PELL Grant. **20 CFR Part II. Summary & Explanation pp. 49328 & 49329.** [Tuition is the sum charged for instruction. Fees, books, supplies and other training related expenses are not considered tuition.]

Training services shall be provided through providers listed on the Eligible Provider List (EPL) unless noted otherwise in the following list of training services. Out-of-state and on-line training provider programs must be on their state's EPL; and, if not on that state's list, the service provider must determine why not. If the provider has been determined not eligible by another state, then they cannot be added to Georgia's EPL, and cannot be used as a training provider. If there is another reason they are not on their state's list (i.e. an overly cumbersome application process, etc.) then, they can be added to Georgia's EPL through normal application process. EPL printout shall be documented in the participant's file. Through GOWD, the Eligible Provider List is hosted by Georgia State University and is accessible at <http://www.gcic.edu.gawia/>.

2. Training services may include:
 - a. Occupational skills training, including training for nontraditional employment and for training programs operated by the private sector; **(requires ETP approval)**
 - b. On-the-job training; **(does not require ETP approval)**
 - c. Programs that combine workplace training with related instruction, which may include cooperative education programs; **(requires ETP approval)**
 - d. Training programs operated by the private sector; **(requires ETP approval)**
 - e. Skill upgrading and retraining; **(requires ETP approval)**
 - f. Entrepreneurial training; **(requires ETP approval)**
 - g. Job readiness training; **(does not require ETP approval)**
 - h. Adult education and literacy activities provided in combination with services described in any of clauses (i) through (vii) of WIA Section 134 (d)(4); **(does not require ETP approval)**
 - i. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training. **(does not require ETP approval)**
 - j. Short-term pre-vocational training of approximately one week (40 hours) or less which does not provide certification or a credential upon completion. **(does not require ETP approval)**
3. Training Payments

The service provider must verify and pay tuition and other training costs in accordance with the training provider's documented payment policy or terms. WIA funding may be used for any expenses considered to be part of the Cost of Attendance that cannot be met from the PELL or other grant assistance. In situations of co-enrollment with other WIA or non-WIA programs (TAA, WIRED, etc.), the case manager will coordinate with the training provider and other program(s) to ensure the participant's training needs are met and there is no duplication of services. WIA funding shall always be a supplement to other grant assistance.

II. Youth

A. Youth Activities

Pursuant to WIA Section 129(a) the intent of youth activities is:

1. To provide eligible youth seeking assistance in achieving academic and employment

- success, effective and comprehensive activities that include a variety of options for improving educational and skill competencies and provide effective connections to employers. A Youth Services Statewide Provider List may be found at workready.ga.org
2. To ensure on-going mentoring opportunities for youth with adults committed to providing such activities;
 3. To provide opportunities for training;
 4. To provide continued support services;
 5. To provide incentives for recognition and achievement; and
 6. To provide opportunities in activities related to leadership, development, decision-making, citizenship and community service.
- B. Youth Required Components
- The following program ten elements must be available to youth participants. Local Workforce Areas have the discretion of what specific services are provided to a youth, based on the individual's Objective Assessment and Individual Service Strategy (ISS).
1. Tutoring, study skills training and instruction leading to secondary school completion, including dropout prevention strategies;
 2. Alternative secondary school offerings;
 3. Summer employment opportunities directly linked to academic and occupational learning;
 4. Paid and unpaid work experiences, including internships and job shadowing;
 5. Occupational skill training;
 6. Leadership development opportunities, which may include such activities as positive social behavior and soft skills, decision making, team work and other activities;
 7. Supportive services;
 8. Adult mentoring for the duration of at least twelve (12) months, which may occur both during and after program participation;
 9. Follow-up services;
 10. Comprehensive guidance and counseling, including drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth.
- C. Youth Goals and Training Services
- Youth services are provided in conjunction with skill goals that may include any of the following services:
1. Basic Skills Goal
 2. Occupational Skills Goal
 3. Work Readiness Skills Goal
 4. On-the Job Training
 5. Customized Training
 6. Work Experience
 7. GED Prep (Applies to youth 16 years and older)
- D. Waiver approval from USDOL allows youth service providers to use WIA youth funds to purchase an ITA for youth in order for a youth to receive occupational skills training. There must be significant development of the ISS that indicates training is necessary for the youth to obtain or retain employment leading to self-sufficiency.

Youth service providers may determine whether or not to fund Occupational Skills Training for youth based on the availability of WIA youth funding.

In order to receive Occupational Skills Training services the youth must receive, at a minimum:

1. a completed ISS as described above; and
 2. a comprehensive and specialized assessment of skill levels and service needs; or
 3. group and/or individual employment counseling; or
 4. case management and career planning.
- E. Training Services
- Training services means any WIA-funded and non-WIA funded training service.

Individuals with other employment issues shall be afforded opportunities for participation in training activities designed to improve participation in the workforce and lead to higher earnings for individuals who successfully complete them. Training activities for persons in these groups will be provided in the context of the state's vision to provide universal access for all customers.

1. Training Services may be provided to youth:
 - a. Who after an interview, evaluation, or assessment, and case management, have been determined to be in need of training services and to have the skills and qualifications to participate successfully in the selected program of training services;
 - b. Who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which individuals receiving such services are willing to relocate; and
 - e. Who are unable to obtain other grant assistance for such services, including Federal Pell Grants; or
 - f. Require assistance beyond that made available under other grant assistance programs, including Federal Pell Grants; and who are determined to be eligible in accordance with the priority for services criteria and the service provider's determination of funds available to provide the service.

Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, the training provider must reimburse the service provider the WIA funds used to pay the tuition portion of the training costs from the PELL Grant. 20 CFR Part II. Summary & Explanation pp. 49328 & 49329. [Tuition is the sum charged for instruction. Fees, books, supplies and other training related expenses are not considered tuition.]

Training services may only be secured using providers listed on GOWD Eligible Provider List (EPL) unless noted otherwise.

Refer to the process for determining the possibility of using out-of-state and on-line training provider programs as described in the Adult and Dislocated Worker section above.

2. Training services – Refer to the list of training services and which services require an Eligible Provider in the adult and dislocated worker above.
3. Training Payments
Youth service providers must first confirm that the training provider is on the Eligible Provider List following the process describe above; and second, establish an ITA for the youth participant following the process described in the Individual Training Accounts section of this document. The service provider must verify and pay tuition and other training costs in accordance with the training provider's documented payment policy or terms. WIA funding may be used for any expenses considered to be part of the Cost of Attendance that cannot be met from the PELL or other grant assistance. In situations of co-enrollment with other WIA or non-WIA programs (TAA, WIRED, etc.), the case manager will coordinate with the training provider and other program(s) to ensure the participant's training needs are met and there is no duplication of services. WIA funding shall always be a supplement to other grant assistance.

INDIVIDUAL TRAINING ACCOUNTS (ITA)

I. Description

Individual Training Accounts are established on behalf of the participant. WIA Title IB Adult, Dislocated Worker and youth participants will use ITAs to purchase training services from eligible providers they select in consultation with the case manager, counselor or coordinator.

Individual Training Account services may be made available to employed and unemployed adults and dislocated workers who have met the eligibility requirements for Intensive services, and have been determined to be unable to obtain or retain employment leading to self-sufficiency through such services.

The participant must have a completed IEP that indicates, through interview, evaluation or assessment, the participant's employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals have been identified.

Selection of a training program must include the identification that the training is directly linked to occupations that are in demand in the local area, or in another area to which an adult or dislocated worker is willing to relocate. In determining local demand occupation(s), providers may allow for training in occupations that may have high potential for sustained demand or growth in the local area.

II. Limitations

ITAs are limited to participants who (WIA Section 134 (d)(4)(B); 663.320):

- A. Are unable to obtain grant assistance from other sources (including Federal Pell and other federal grants) to pay the cost of their training; or
- B. Require assistance beyond that available under grant assistance from other sources (including Federal Pell, GI Bill and other federal grants) to pay the cost of their training.
- C. Service providers and training providers must coordinate funds available and make funding arrangements with partner agencies so that WIA ITA funds supplement Pell and other grant sources to pay for the cost of training (see D. re: Cost of Attendance).
- D. Participants may enroll in ITA funded training while their application for a Pell Grant is pending provided that the service provider has made arrangements with the training provider and the participant regarding the allocation of the Pell Grant, if it is subsequently awarded. If a Pell Grant is awarded, the training provider must reimburse the service provider the ITA funds used to underwrite the **tuition** portion of the training costs from the PELL Grant.
- E. Program operators should consider all available sources of funds, excluding loans, in determining an individual's overall need for WIA funds. Resources such as PELL, GI Bill and other federal grants should not be included in calculations of the level of WIA assistance until the grant has been awarded.

20 CFR 652 et al. Part II. Summary & Explanation pp. 49328 & 49329. [Note: Tuition is the sum charged for instruction and does not include fees, books, supplies, equipment and other training related expenses]. Reimbursement is not required from the portion of Pell Grant assistance disbursed to the participant for education-related expense.

WIA Section 134(d)(4)(B)

III. Duration, Cost Limits and Availability

- A. Currently, there is no monetary limit or cap on ITAs. Local WIBs set policies on funding limits per customer for ITAs and the maximum duration of training. Customers may select training that costs more than the maximum ITA level when other sources of funding are available to supplement the ITA (e.g., HOPE, Pell grants, and scholarships). The state encourages WIBs within a region to work together in establishing their policies so that customers of contiguous areas have the same benefits available to them.
- B. ITAs are awarded per semester, quarter or for uninterrupted training coursework. Second and

subsequent ITAs will be awarded only for continuing classes in the educational or training institution initially attended, unless there is mutual and justifiable agreement between the service provider and the participant that another training institution or training program is necessary.

- C. An individual who has been determined eligible for an ITA may select a training institution/program from the Georgia Eligible Provider List (EPL) or from another state, provided that the training institution/program is listed on that state's Eligibles Provider List, after consultation with a case manager, counselor or coordinator. Unless the program has exhausted funds for the program year, the service provider must refer the individual to the selected training institution/program, and establish an ITA for the individual to pay for training. **20 CFR Part 663.420(c)**
- D. Payments may not be made to a training provider until the service provider ensures that the training provider selected is on the Eligible Provider list at time of payment for tuition and fees under WIA ITAs.

IV. Payment system

Individual Training Accounts are designed to identify WIA funded costs associated with the training cost of attendance. The cost of attendance may include tuition, fees, room and board, books, supplies, and tools (if required for the training course). The ITA identifies the WIA obligation for the participant and the participant will be able to access information about the account from the service provider. Each service provider is responsible for maintaining an ITA payment system which ensures that payments made to eligible providers are timely, for the agreed upon amount, ensuring that the provider is on the EPL at time of payment and that the payments are supported by appropriate documentation. [Note: cost of attendance may also include other expenses that are not incurred through the training provider such as child care, transportation, rent and other living expenses. WIA funds may be used to assist with such expenses and are considered supportive services. These expenses require proof of expenditure in the participants file.]

Financial responsibility for ITAs remains with the local workforce area who developed the ITA, in consultation with the participant, throughout the period of training, regardless of the location of the training provider. The financial responsibility of the local workforce area also extends to supportive services.

V. Documentation

Contact between the case manager, counselor or coordinator and the participant must occur, at a minimum, at the end of each quarter, semester or uninterrupted training course during the lifetime of the training plan. Contact may be made by telephone, through the mail, personal contact or other appropriate means to provide documentation of successful progress.

Documents such as attendance records, grade reports, and statements from the instructing agency, are required as proof of participation. Documentation of status of the provider, either Georgia's EPL or another state's list, must be maintained in the participant's file.

ON-THE-JOB TRAINING (OJT)

I. Description

OJT is training by an employer that is provided to a paid participant while engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job.

OJT is an important training services activity whereby employers provide necessary equipment and training for jobs by means of a "hire first, train later" strategy. WIA participants who successfully complete the OJT period are subsequently retained in permanent employment. The OJT should to be used for occupations in higher skills categories. It is not subsidized employment of low-skill occupations, which require very little training time. OJT is only appropriate for the length of time necessary to be trained in the specific occupation.

Personnel involved in the decision making process to place an eligible participant into an OJT must document the decision in the participant's Individual Employment Plan or Individual Service Strategy. The decision should demonstrate that the training chosen is appropriate, that the training is necessary, that the participant does not already possess the skills, or that the individual needs to upgrade their skills to move to a new job.

II. Eligibility

OJT contracts may be written for eligible employed workers when:

- A. The employee is not earning a self-sufficient wage as determined by policy;
- B. The requirements in WIA regulations section 663.700 that (a) contracts may not be made with an employer that exhibits a pattern of failure to provide participants long-term employment as well as wages and benefits; and the contract must be limited to the period of time required for a participant to become proficient in the occupation for which the training is provided; and
- C. The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the Local Board.

III. Reimbursement and Contract Requirements

Reimbursements under OJT contracts are deemed to be compensation for the extraordinary costs associated with training participants and the costs associated with the lower productivity of the participants. Reimbursement under OJT contracts shall be up to 50 percent of the wage rate paid to the participant by the employer. Employers may be reimbursed by the WIA program under the guidelines established by the USDOL Waiver: WIA 101(31) (B)

Customized Employer Contribution Rate Based on Employer Size:

50 or fewer employees	Up to 90% contribution
51-250 employees	Up to 75 contribution
251 or more employees	Up to 50% contribution

A. Contractor Eligibility

1. OJT assistance will be available only in industries providing job continuity or security;
2. Any firm or industry in violation of local, state or federal labor laws is not eligible for training assistance;
3. Any firm, employer or industry who has received payments under previous contracts and has exhibited a pattern of failure to provide OJT participants continued, long-term employment as regular employees with wages and working conditions at the same level and to the same extent as similarly situated employees are ineligible to enter into further WIA OJT contracts. WIA Sec. 195(4);

4. Relocation

- a. No funds provided under the Act shall be used, or proposed for use, to encourage or to induce the relocation of an establishment, or part thereof, that results in the loss of employment for any employee or such establishment at the original location.
- b. For 120 days after the commencement or the expansion of commercial operations of a relocating establishment, no funds provided under this Act shall be used for customized or skill training, on-the-job training, or company-specific assessments of job applicants or employees, for any relocating establishment or part thereof at a new, or expanded

location, if the relocation of such establishment or part thereof results in a loss of employment for any employee of such establishment at the original location.

- c. For the purposes of this section, relocating establishment means a business entity, including a successor-in-interest, which is moving any operations from a facility in one labor market area within the United States and its territories to a new or expanding facility in another labor market area. For the purposes of this section, a labor market area is an area within which individuals can readily change employment without changing their place of residence.

WIA Sec. 181 (d); 20 CFR Parts 667.268

- d. Pre-award review. To verify that an establishment is expanding or not relocating employment from another area, the program operator shall conduct a pre-award review to ensure that the company has not relocated and the relocation resulted in layoffs or displacement of workers of such business at the original location and such original location is within the United States.
- 5. Prevailing Standards - occupations must meet prevailing standards with respect to wages, hours and conditions of employment;
- 6. Reimbursements - WIA funds shall not be provided to reimburse OJT training costs when the participant was referred and hired through a private employment agency and was required to pay a referral and placement fee;
- 7. Training Contracts may be with the private or public sector.
- B. Contract Period
OJT contracts should be written for a period of time that takes into account actual training time plus additional time to anticipate unexpected time away from training by the participant. This process should ensure that end date of the contract is sufficiently into the future so as not to require a contract modification to extend the end date. (NOTE: This is the contract period, not the training time.)
- C. Length of Training
OJT training authorized for a participant shall be limited to a period not in excess of that generally required for the acquisition of skills needed for the particular occupation.
- D. Employee/Trainee Wages
The minimum starting rate of OJT employees shall be the greater of:
 - 1. Applicable federal and state minimum wage; or
 - 2. At the same rates as trainees or employees similarly situated in similar occupations by the same employer, and who have similar training, experience and skills, whichever is higher.

WIA Sec. 181 (a) (1) (A)

Note: WIA funds shall not be used for overtime wages, holidays, sick leave, or vacations.

- E. Concurrence
Upon entering into the development of an OJT contract, the service provider through informal consultation with the appropriate labor organization will determine if there is a collective bargaining agreement between the employer and the employees or their representatives. Written concurrence from the appropriate labor organizations is required for all positions involving collective bargaining agreements.
- F. Contract Assembly
An OJT contract contains the following:
 - 1. OJT Pre-Award Review
 - 2. Concurrence
 - 3. On-the-Job Training Contract
 - 4. Special Terms and Provisions/Assurances and Certifications
 - 5. OJT Training Summary
- G. Referral and Hire
 - 1. No participant will be started in a proposed OJT slot until a contract has been negotiated and signed.
 - 2. After negotiation of the OJT contract referral of eligible trainees may begin.
 - 3. A copy of the OJT Contract is to be given to the employer. The provider will maintain the original contract.

IV. OJT Contract Modification

Contract modifications must be done through GOWD.

V. Time Limitations

No person may participate in OJT in excess of the time generally required for acquisition of skills needed for the position within a particular occupation. The Occupational Information Network (O*NET) codes give direction for determining the appropriate training time.

VI. Waivers

Local areas will submit requests to GOWD in writing in order to apply a sliding scale reimbursement to any On -The-Job Training (OJT) or Customized Training (CT) contracts. Written requests must be submitted to the LWIA's Programmatic Technical Assistance Representative. GOWD will approve any written request that meets the criteria outlined in both the "Employer Match for On-The-Job Training Waiver" and "Employer Match for Customized Training Waiver." Copies of these waivers may be found in the State of Georgia 5-Year Strategic State Plan. Written permission will then be given to the local area via mail or electronic mail.

CFR Section 663.700(c)

CUSTOMIZED TRAINING

I. Description

- A. Customized Skills Training is designed to meet the special requirements of an employer a group of employers by allowing them to tailor and design work based skills training. Customized training is conducted with a commitment by the employer to employ, or in the case of incumbent workers, continue to employ, an individual on successful completion of the training. **[Note: an incumbent worker must still meet the statutory definition of either adult or dislocated worker to receive customized training].**
- B. Employers may be reimbursed by the WIA program for **not more than** 50 percent of the costs incurred in providing the training including staff/instructor time or training materials.
- C. Customized Skills Training can be provided after a WIA participant is hired or if an employer makes a commitment to hire the participant upon successful completion of the training.

II. Requirements

Customized training may be provided for an employer or group of employers when:

- A. The employee is not earning a self-sufficient wage;
- B. The employer, or group of employers, have made the commitment to employ or continue to employ, an individual that has successfully completed the program; and
- C. The customized training relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes.

III. General Guidelines

- A. For each participant, the employer develops the training plan and measurable goals and determines the method by which the training is provided. Proficiency levels should be based on local business or industry skill standards.
- B. The training activity may take place at the worksite or in a classroom setting. The employer or an intermediary may provide the training.

IV. Documentation Requirements

- A. Employers **must complete** the Customized Skills Training Plan/Reimbursement Invoice. When completed, this form documents the training plan, skills attainment, costs incurred by employer, and amount of reimbursement. This form must be maintained in the participant's file.
- B. Individual Employment Plans shall be updated accordingly to reflect participation in customized skills training.

V. Time Limitations

Training should be for a specified length of time and may take place at the worksite or in a classroom.

ELIGIBLE TRAINING PROVIDERS

The Eligible Training Provider (ETP) process is defined in WIA Law, Section 122 and in WIA Regulations, 20 CFR Part 663, Subpart E. In accordance with WIA Law Section 122, an eligible training provider services must meet certain requirements in order to receive Workforce Investment Act funds. These requirements include submitting an application for the program in which the provider expects to provide training services. Information relating to program cost and program performance shall meet initial appropriate levels of performance. To continue receiving funds, the provider is required to submit subsequent performance and program cost information on an annual basis.

I. Process for Determining Initial Eligibility of Training Providers

WIA requires applications be first submitted to and evaluated by a Local Workforce Investment Board (LWIB) of their choice - they then recommend the program to GOWD for statewide review and approval. Applications need only be made with one LWIB for possible inclusion on the "statewide" eligible provider/program (EPL) list. Once approved on the statewide EPL, an approved program is available to all Georgia WIBs and cooperative states.

A generic application and instructions can be accessed on our Web site at:

<http://www.workreadyga.org>. This site also lists all currently approved programs. The website also identifies the local WIBs with whom providers may apply. In many cases, providers are able to transmit the same to them electronically. Be advised that some local WIBs may request additional information of providers.

A service provider will be considered out-of-compliance if they send a participant to a provider or training program that has not been approved.

An organization must not be favored for or denied recognition as an EP or other provider solely on account of religion.

Additionally, a service provider must comply with the following to be considered for inclusion on the Eligible Training Provider List:

- It must have been in business for at least 6 months prior to initial application, and must maintain legal active status to conduct business. [evidenced by a current business license and/or proof of active compliance with the Secretary of State Corporations Division];
- It must be in statutory compliance with the laws of this state to as related to its operation as a training, or educational institution.
- It must be in good standing with the Governor's Office of Consumer Affairs and the Better Business Bureau;
- It must not have been found in fault in criminal, civil or administrative proceeding related to its performance as a training, or educational institution. Must disclose any pending criminal, civil or administrative proceeding of which it is either a defendant or a respondent; and
- It must disclose any and all conflicts of interest with state, or local WIA Officers, Board Members, or Board Staff, including, but not limited to familial ties (spouse, child, parent), fiduciary roles, employment, or ownership interests in common.

II. Process for Determining Subsequent Eligibility of Training Providers

The WIA requires an annual re-determination of ITA program eligibility through a Subsequent Eligibility (SE) process. For a program to remain eligible to receive Individual Training Account funds for new enrollments after October 15th of each year, the State shall compare program-level performance outcomes against established minimum standards.

Separate Subsequent Eligibility applications and instructions are forwarded to providers of currently approved Individual Training Account programs each August.

ALL STUDENTS Past Performance Information		
Must pass at least 2 of the 3 measures below		
Measure	Minimum Performance Level	Definition
Unsubsidized Employment (Adult)	55%	Percent who gained employment upon successful completion of program
6 Month Retention (Adult)	66%	Percent who maintained employment for 6 contiguous months
6 Month Average Wage (Adult)	\$356/week	Average weekly earning for first 6 months of employment

WIA STUDENTS Past Performance Information		
Must pass at least 3 of the 4 measures below		
Measure	Minimum Performance Level	Definition
Unsubsidized Employment (Adult)	55%	Percent who gained employment upon successful completion of program
6 Month Retention (Adult)	66%	Percent who maintained employment for 6 contiguous months
6 Month Average Wage (Adult)	\$356/week	Average weekly earning for first 6 months of employment
Diplomas, Graduate, Certification, Licensure Rate	60%	Percent of WIA students who successfully completed course of study who met the program's completion requirements

Providers are asked to complete a Subsequent Eligibility application with attention given to each proposed program. These Subsequent Eligibility applications only address programs currently approved on the Eligible Provider List that are seeking re-approval. Providers of currently approved Individual Training Account programs interested in proposing new training programs should refer to the “initial eligibility” requirements described in this information guide.

If reapproved, a program’s Subsequent Eligibility will extend through October 15th of each year

GOWD is responsible for the development, operation and maintenance of the statewide Eligible Provider List. The Eligible Provider List contains specific consumer information for each eligible program. Providers may be removed under the following conditions:

- If inaccurate information regarding a program is intentionally supplied to the local Workforce Investment Board or GOWD, a termination of eligibility may occur. The termination will remain in effect for a minimum of one (1) year;
- If the local Workforce Investment Board or GOWD determines that an eligible provider has violated any requirements under the WIA, or other State or Federal laws, regulations or requirements, the provider must commence corrective action as deemed appropriate or risk program removal;
- If a provider does not respond to Subsequent Eligibility, the programs undergoing Subsequent Eligibility will be removed from the Eligible Provider List. If the provider wishes to have those programs reapproved in the future, they will need to reapply through a local Workforce Investment Board after a six-month period; or
- If a provider's program fails to meet or exceed minimum established local and State performance levels, the provider's eligibility to receive funds for that program may be suspended by the local Workforce Investment Board, or GOWD, as applicable, for a minimum of one (1) year.

Aggrieved providers will always have access to local and State appeals processes in such instances.

A. Training Provider Liability

If it is deemed by a Workforce Investment Board that training received by a WIA customer did not adhere to course information as marketed by the training provider and/or the performance data was overstated by the provider, consequences levied upon the training provider could include:

- additional training to the aggrieved customer at no cost; and/or
- refund to the fiscal agent of amounts paid; and/or
- debarment from the Eligible Provider List.

B. Non-ITA Activities Statewide

GOWD is a close and vital partner to those entities who provide non-Individual Training Account activities to adults and youths. In fact, GOWD oversees the administration of WIA activities throughout the State. These activities are delivered through the 20 local Workforce Investment Boards across Georgia.

Each Workforce Investment Board receives federal funding through GOWD and procures non-Individual Training Account service providers separately. Often, this procurement is required to be competitive, and the processes and timetables they utilize differ between Workforce Investment Boards. The best way to determine the specifics about each is to contact them directly.

When contacting local Workforce Investment Boards, prospective providers should establish they are interested in being placed on their local bidders list and would like to be notified of any WIA procurement actions.

C. Unemployment Insurance (UI) Wage File Verification

The Federal Workforce Investment Act (WIA) requires States to use student social security numbers and Unemployment Insurance Wage File matching data to verify employment and wage rate outcomes of all programs seeking subsequent (i.e., renewed) ITA eligibility.

GOWD hereby assures proposing training providers, the student social security numbers transmitted and resulting Unemployment Insurance Wage File matching data will:

- 1) Only be used to prepare aggregate program performance reports as required under section 122 of WIA
- 2) Not be disclosed in any personally identifiable form
- 3) Be safe guarded while the State is in possession of the same
- 4) And be destroyed when no longer needed for the purposes of complying with the WIA

Per the ITA Subsequent Eligibility application issued each year and in accordance with WIA requisites and GOWD assurance, training providers MUST report the social security numbers (no names), award level and award date of ALL (not just WIA-funded) student completers from the performance period reported for each proposed program of study.

Therefore, it is important that providers initiate a process to capture the above student data for ALL students once programs are initially approved, if subsequent eligibility is to be considered the following year. Please forward any Individual Training Account-related questions to GOWD's Compliance Department, Two Martin Luther King, Jr. Drive, 1408 West Tower, Atlanta, GA 30334 or via phone 404-463-5030.

GOWD WIA TRAINING PROVIDER APPEAL PROCESS

I. Appeal Procedures

The Workforce Investment Act requires the Governor to establish procedures for providers of training services to appeal a denial of eligibility or termination of eligibility.

20 CFR Part 667.640(b)

A. Basis for Appeal

Eligible providers of training services may file an appeal due to:

1. Denial by the designated State Agency under WIA Section 122 (b), (c), or (e);
2. Termination or eligibility or other action by the State Agency under WIA Section 122(f);
3. Denial of eligibility as a provider of on-the-job training or customized training by a One-Stop operator under WIA Section 122 (h).

B. Filing an Appeal

1. Timeline for Filing an Appeal

Appeals must be in writing and submitted within forty-five (45) days of being notified of a denial or termination to:

Ms. Cherry Peterson
State WIA Equal Opportunity Officer
Governor's Office of Workforce Development
Two Martin Luther King Jr., Drive S.W.
1104 West Tower
Atlanta, Georgia 30334

2. The appeal must be signed by an authorized individual from the training provider and should include:
 - a. Name of the training provider;
 - b. Address and phone number of the training provider
 - c. An explanation of why an appeal is being filed
3. The State WIA Equal Opportunity Officer will assist the training provider in filing a written appeal and advise the training provider of the opportunity that a hearing will be provided within thirty calendar days of the filing of the appeal. The Governor's Office of Workforce Development will provide an impartial hearings officer to conduct the hearing process.
 - a. Interested parties will be provided:
 1. Notice of hearing;
 2. The manner in which the hearing will be conducted;
 3. Written notice of the date, time, and place of hearing;
 4. An opportunity to present evidence;
 5. Written decision;
 - b. The training provider or respondent may with good cause, request a rescheduling of the hearings;
 - c. The training provider will have the burden of establishing the facts and the entitlement to the relief requested;
 - d. The training provider or respondent has the right to representation by an attorney or other representative.

C. State Level Review

The Executive Director of the Governor's Office of Workforce Development (GOWD) shall act as the Governor's authorized representative. The training provider will have 45 calendar days from the date of the local WIB decision on the appeal to request review by the Executive Director.

The request must identify the program which was denied and the reasoning for the appeal, and must include a copy of the local WIB's decision. Training providers entering an appeal at the state

level must be prepared to document a specific factor (e.g. conflict of interest, nepotism, procedural non-adherence, etc.) which put the aggrieved training provider at a competitive disadvantage.

The Executive Director will conduct a review of the complaint, schedule a hearing if the grievance factors so warrant and issue a decision within thirty (30) days from the date of receipt of the review request. Attempts at informal resolution may proceed during the 30-day period between the filing and hearing of the grievance and prior to the rendering of a decision on the grievance.

If a hearing is warranted, the training provider will be notified of the date, time and place where the hearing will be conducted and a decision will be issued. The decision rendered by the Executive Director, as the Governor's authorized representative, will be final.

D. Denial of Training Programs by the Governor's Office of Workforce Development

Upon rejection of a local WIB-recommended training program by the Governor's Office of Workforce Development, the training provider will have 10 calendar days from the date of GOWD's decision to request review by a hearing officer. All appeals must be forwarded in writing, to the following address: Georgia Commission on Equal Opportunity, 2 Martin Luther King, Jr. Dr., SE Suite 1002 - West Tower
Atlanta, GA 30334.

The request must identify the program which was denied and the reasoning for the appeal, and must include a copy of GOWD's decision. Training providers entering an appeal at the state level must be prepared to document a specific factor (e.g. conflict of interest, nepotism, procedural non-adherence, etc.) which put the aggrieved training provider at a competitive disadvantage.

After a written request for a formal hearing is received, the Executive Director will schedule a hearing if the grievance factors so warrant and the complainant(s) will be given written notice of the date, hour, place of the hearing, and of the manner in which the proceeding will be conducted and the issues to be decided upon, based on the complaint or grievance outlined in the written request. Hearing officers who are independent of GOWD will be responsible for conducting the hearing. One member of the appeal committee may be a state WIB member.

Prior to the hearing, the complainant(s) will be given the opportunity to:

- 1) Withdraw the request for a hearing in writing
- 2) Request a re-scheduling of the hearing for good cause;
- 3) Bring witnesses and documentary evidence;
- 4) Have records and documents produced; and
- 5) Question any witness or party to the case

Hearings on any grievance filed shall be conducted within thirty (30) days of such filing. Decisions shall be made not later than sixty (60) days after the filing of a complaint. Attempts at informal resolution may proceed during the 30-day period between the filing and hearing of the grievance and prior to the rendering of a decision on the grievance. The decision rendered by the Executive Director, as the Governor's authorized representative, will be final.

E. Suspension and/or Termination of Currently Approved Training Program

Upon suspension and/or termination of a currently approved training program by the Governor's Office of Workforce Development for reasons as stated previously in this section, the training provider will have 30 calendar days in which to submit an appeal to the Governor's Office of Workforce Development. The appeal process will be the same as described in section "B" above.

CERTIFICATES AND CREDENTIALS

Within the context of workforce development generally, the term credential refers to an attestation of qualification or competence issues to an individual by a third party (such as an educational institution or an industry or occupational certifying organization) with the relevant authority or assumed competence to issue such a credential. ***This policy is in accordance with TEGL 15-10.***

Examples of credentials include:

- Educational Diplomas and Certificates (typically for one academic year or less of study);
- Educational Degrees;
- Registered Apprenticeship Certificates;
- Occupational Licenses (typically, but not always, awarded by state government agencies); and
- Other certificates of skills completion.

In TEGL 17-05, ETA has a definition of certificate which also served as the definition of a credential for performance reporting purposes. To bring ETA's terminology in line with the fields of education and industry, the term credential (and not certificate) will be used as the umbrella term which encompasses postsecondary degrees, diplomas, licenses, certificates and certifications. As such, for purposes of accounting for credential attainment within the workforce system, the following definition is a modification to update the "certificate" definition.

Credential means an award in recognition of an individual's attainment of measurable technical or occupational skills necessary to gain employment or advance within an occupation. These technical or occupational skills are generally based on standards developed or endorsed by employers. Certificates awarded by workforce investment boards are not included in this definition, nor are work readiness certificates because neither of them document "measurable technical or occupational skills necessary to gain employment or advance within an occupation."

A variety of different public and private entities issue credentials. Below is a list of types of organizations and institutions that award industry-recognized credentials:

- A state education agency, or a state agency responsible for administering vocational and technical education within a state;
- An institution of higher education described in Section 102 of the Higher Education Act (20 USC 1002) that is qualified to participate in the student financial assistance programs authorized by Title IV of that Act. This includes technical colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in federal student financial aid programs;
- A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, or a National Institute for Metalworking Skills, Inc., Machining Level 1 credential) or a product manufacturer or developer (e.g., Microsoft Certified Database Administrator, Certified Novell Engineer, or a Sun Certified Java Programmer) using a valid and reliable assessment of an individual's knowledge, skills and abilities;
- ETA's Office of Apprenticeship;
- A public regulatory agency, upon an individual's fulfillment of educational, work experience or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (e.g., Federal Aviation Administration aviation mechanic license, or a state-licensed asbestos inspector);
- A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons;
- Job Corps centers that issue certificates; and institutions of higher education that are

formally controlled, or have been formally sanctioned or chartered by, the governing body of an Indian tribe or tribes.

Diploma means any certificate that the state education agency accepts as equivalent to a high school diploma. This term also includes post-secondary degrees such as Associate (AA and AS) and Bachelor (BA and BS) degrees.

Education means participation in secondary school, post-secondary school, adult education programs, or any other organized program of study leading to a degree or certificate.

Employer endorsement means that employers within a particular industry or cluster of industries recognize the certificate and would not impose an employment barrier because the program was completed in another state or other regional location.

Post-secondary Education means a program at an accredited degree-granting institution that leads to an academic degree (i.e., AA, AS, BA or BS).

Resource: Certification Finder database www.careerinfonet.org/certifications_new/ is an online resource that may be helpful to service providers. This information is provided as a resource and is NOT an endorsement of the certifications listed on the site.

SUPPORTIVE SERVICES

I. Definition

Supportive Services are defined as services such as transportation, childcare, dependent care, housing and needs-related payments, that are necessary to enable an individual to participate in activities authorized under Title IB.

WIA Sec. 101(46)

II. Supportive Services

Supportive Services are services, which are reasonable and necessary to enable a WIA participant who cannot afford to pay for such services to participate in activities funded under WIA. **The provision of Supportive Services must be determined on an individual basis.**

Limited Supportive Services may be provided to individuals receiving Core Services, however, such individuals must be registered as a WIA participant and are subject to performance outcomes.

All supportive services must have been approved prior to the participant receiving or obtaining the goods or services. Backdated requests for services will not be approved.

A participant may waive WIA payments (except for Work Experience) if accepting payment would mean the loss of the benefits. The participant may request the payment to start at a later date, but may not claim retroactive payments. Advances against future payments are not allowed.

To be eligible for any WIA financial assistance payments, a participant must have been determined WIA eligible and:

- A. Participating in core, intensive and training services. Limited supportive services may be provided to eligible applicants (e.g., paying for a birth certificate), before they are enrolled as participants, to permit participation in assessment activities;
- B. are unable to obtain supportive services through other programs providing such services; and
- C. must have complied with program regulations and policies during the period of training and/or enrollment.

Service providers should provide no further payments to participants that fail to participate without good cause.

The use of supportive services is encouraged to enable the hard-to-serve population to participate in longer-term interventions. The provision of supportive services must be determined on an individual basis and require proof of expenditure in the participants file.

III. In order to ensure that supportive services are provided in the most consistent, effective and efficient manner throughout the state, the Governor's Office of Workforce Development will require each LWIA to develop a comprehensive supportive service policy, and pass through the area's LWIB prior to implementation. Each LWIA will develop a policy that complies not only with all applicable federal regulations, but also meets the requirements mandated by the State Workforce Investment Board and GOWD. This process will provide more consistency in the provision and documentation of supportive services across the state, while allowing the LWIA to develop a policy that takes into account unique situations and circumstances present in their areas. Along with complying with all applicable sections of WIA law, CFR's, and TEG/L/TEN's, the LWIB approved policy must meet requirements in each of these categories:

- A. Eligibility and determination of need for supportive services

1. The LWIB approved supportive service policy must establish a process by which participants are determined eligible and in need of supportive services.
 2. Federal Law states that supportive service costs should be **necessary** to enable an individual to participate in activities authorized under WIA Title I.
 3. Eligibility and determination of need for supportive services should be conducted by a case manager or appropriate LWIA staff on a case-by case-basis to determine if the participant is eligible for and in need of supportive services.
- B. Documentation of eligibility and determination of need for supportive services
1. The LWIB approved supportive service policy must establish a process by which documentation of a participant's eligibility and determination of need is collected and included in each participant's case file and/or their Georgia Work Ready Online Participant Portal profile.
 2. The documentation must cover:
 - a) Financial/physical need: There must be documentation in the case file that participants are incapable of providing these services for themselves. Examples: low income status as documented by family/household income determination, receipt of federal or state public assistance, UI benefits, documentation of skill upgrading that would lead to employment in a local or state in-demand occupation, documentation of lack of employment or underemployment, separation notice, birth certificates for children receiving childcare, documentation of transportation distance to attend training, etc.
 - b) Resource coordination: There must be documentation supporting that these services or funds for these services were not available from any other state and or federal grant/program/funding stream/agency. There should be an analysis of all federal/state/local resources available in the LWIAs and how they are being coordinated to promote the most efficient use of resources. Examples: UI records, application for applicable state and federal funds (HOPE, PELL, etc.)
 - c) Type of supportive service requested and how the supportive service will assist their participation in WIA Title I activities. Examples: LWIA created supportive service request form
 - d) Amount requested and justification for the amount being necessary and reasonable to enable participation in qualifying WIA activities. Examples: LWIA created supportive service request form, case notes in the Georgia Work Ready Online Participant Portal.
 - e) Establishment of a timeframe that the supportive services will be provided to assist participation in WIA Title I activities. Examples: LWIA created supportive service request form, case notes in the Georgia Work Ready Online Participant Portal.
 3. This documentation should be collected and included in the participant's case file and/or the participant's Georgia Work Ready Online Participant Portal profile.
- C. Allowable supportive services
- 1) The LWIB approved policy must state what type or specific supportive services the LWIB will provide to participants, as well as which WIA participant group qualifies for the stated services. (this includes incentives provided to youth participants)
- D. Process of how supportive services will be provided
- 1) The LWIB approved policy will need to state the process by which participants will receive supportive service payments. The policy will need to address whether the local area, sub recipient, vendor will be providing the payment to participant. What form the payment will be

provided (voucher, check, direct payment, etc.). How often supportive services are provided to participants.

E. Documentation of the provision for supportive services

- 1) All supportive service information for participants must be entered in the Georgia Work Ready Online Participant Portal (Type of supportive service, amount, date of service etc.). All supporting documentation for a participant's supportive services can either be scanned into the Georgia Work Ready Online Participant Portal or maintained in another system or physical case file (Participant time sheets, income determination, UI records, supportive service request form, etc.)
- 2) All participant's supportive service information is required to be accurate in the GWROPP within 60 days of their exit. The amount, type and timeframe in which the supportive service was given must be accurate and reconciled with the case file and all accounting records. If a participant receives a supportive services increase, whether that is the addition of a new service or the increase in the amount of an existing service, that information must be updated in the GWROPP in real time. No payment can be made to the participant until that amount has been updated in the GWROPP. Supporting documentation of the participants qualifying WIA activity, for which the participant is receiving supportive services, should be included in the case file and/or scanned into the participants Georgia Work Ready Online Participant Portal profile. Examples of this supporting documentation are but not limited to in-training participant time sheets signed by instructor/supervisor, documents proving participation in other types of intensive or training services.

F. Financial cap to be placed on supportive services

- 1) GOWD has developed a two-tier cap limiting LWIA expenditures on supportive services. At a participant level, supportive services may not exceed \$3,000 per participant per year (365 days after date of first service). There is also a limit on total supportive service expenditures for an LWIA by funding stream. An LWIA can spend no more than 25% of their allocation for a particular funding stream (i.e. adult, dislocated worker, or youth.) The 25% determination will be taken from that program year's total allocation per funding stream. Separate caps will be determined for each funding stream.
- 2) Waivers to this policy will be issued by GOWD on a case by case basis.

G. How local and federal resources are being leveraged to help provide supportive services

- 1) In a section or attachment to their local plan, LWIAs should outline the way all available federal and local resources are being leveraged to provide supportive services in the most efficient and effective way possible.
- 2) Supportive Services Cap Waiver Process
 - a) LWIAs may apply for two types of waivers to this supportive service cap policy. These waivers will be accepted on a rolling basis, and all effort will be made to review and respond to all waiver requests within a period not to exceed ten business days. In most instances, any waivers that are approved will not be approved for a period of more than three program years. Certain exceptions may apply.
 - b) The first type of waiver request eligible for GOWD consideration will be a waiver for a specific participant. In this instance, LWIAs will be asked to define the exceptional needs of the participant that would require them to exceed the supportive service cap. LWIAs will also be asked to propose a new cap specifically in place for this participant. If

accepted, GOWD will issue an acceptance letter which should be kept in the participant's case file.

- c) The second type of waiver request eligible for GOWD consideration will be a waiver for a narrowly defined population of participants. For this type of waiver, the LWIAs will be expected to provide a definition of the participant type (ie single parent of 3+ children receiving educational training,) as well as propose a new cap for participants who meet this definition. LWIAs are asked to document their own policy which would allow for this type, amount and frequency of payment to participants. If LWIA policy does not specifically justify or allow the cost, GOWD may not approve the waiver. If accepted, GOWD will issue an acceptance letter which should be kept on file with the LWIA policy on supportive services. LWIAs should also ensure that adequate documentation is maintained the participant's case file to support their inclusion in the population as defined by the LWIA and outlined in the acceptance letter.
- d) Both types of approved waivers will be monitored during routine random desk reviews as well as during the annual onsite monitoring process. Monitoring for supportive service cap compliance may be included in either financial or programmatic monitoring.

H. Allowable supportive services include but are not limited to:

- 1) Health Care and Medical Services – These services are of a one-time nature, such as a physical examination, prescription drugs, prescription eyeglasses, immediate dental care, and mental health care which are needed to enable an individual to participate in any reemployment activity.
- 2) Childcare is a service provided to ensure proper care of children while the parent or guardian is participating in an employment and training program. The childcare cost may be reimbursed at the local documented rate. This rate should be reviewed on an annual basis. These limits apply on a per child basis. The childcare provider must be licensed or registered or documentation of adequacy of alternative childcare must be maintained in the participant's file.

IV. Transportation - Providing transportation for a participant enables him/her to get to and from WIA activities.

- A. Public and private transportation is payable if it will reasonably meet the participant's need not to exceed IRS rate.
- B. Inter-community Travel (Beginning and Ending Transportation where relocation to a training facility is involved). Participants will be paid a transportation allowance for the trip from his/her residence to the training facility at the beginning of training and on the return to his/her regular place of residence after completion of the scheduled training course. Participants cannot be reimbursed for travel to and from the training facility and their place of residence on the weekends or for breaks.

C. **Exception:**

Service providers should consider what is most economical in this situation. In other words, if it is more cost efficient for the participant to drive home than stay in the motel over the weekend or break then the service provider may reimburse the participant for the travel. Inter-community transportation will be at the cost of the most economical public transportation or, if the participant uses a private automobile, transportation will be paid at a rate not to exceed IRS rate for the highway mileage shown on the State Highway Department map as the distance between the two points. Whenever possible, a participant receiving an inter-community transportation payment under this section is expected to relocate within a reasonable radius of the out-of-area training facility.

- D. Auto repair payment will be authorized only if the vehicle is needed for the participant to seek, accept or retain employment or to participate in employment and training activities.
 - 1. Auto repair shall not exceed the value of the automobile.
 - 2. The vehicle being repaired must be under the ownership of the participant. This shall be documented by obtaining a copy of the vehicle registration. Exceptions may be made if the vehicle belongs to another family member and is the only means of transportation available to the participant. **Exceptions must be documented in the participant's file.**
 - 3. A description of the repairs needed and provided must be maintained in the participant's file.
- E. Automobile Insurance: Liability insurance coverage will be authorized only if the vehicle is needed for the participant to seek, accept or retain employment or to participate in employment and training activities. Liability insurance, as required by the state covers damage to property and persons after an accident happens. This coverage pays damages including punitive or exemplary damages, due to bodily injury and property damage to others for which you are responsible. If an individual faces a vehicle accident and are found to be at fault, their personal liability car insurance will cover all injuries incurred on the other party's belongings as well as bodily damages.
 - 1. Automobile insurance may be covered **for a maximum of two quarters** of annual liability coverage. **No more than three months coverage may be paid for at one time.**
 - 2. Liability coverage does not include optional coverage such as medical payment coverage, uninsured motor vehicle coverage, underinsured motor vehicle coverage, comprehensive coverage, collision coverage, emergency road service, membership fees to insurance companies.
 - 3. The vehicle being insured must be under the ownership of the participant. This shall be documented by obtaining a copy of the vehicle registration. Exceptions may be made if the vehicle belongs to another family member and is the only means of transportation available to the participant. Exceptions must be documented in the participant's file.
 - 4. Insurance documentation must include a detailed description of liability coverage and be maintained in the participant's file.

D. Legal Services

Cost for legal services may be covered when the law, courts and related situations interfere with the participant's ability to continue training or seek employment.

E. Tools

Tools may be purchased for participants, if the tools are required to continue a training program or obtain employment. The service provider must determine that the tools are required and that they cannot be provided by any other source such as the prospective employer, or the participant.

Tools become the property of the participant upon satisfactory completion of the WIA training as outlined in the participant's IEP or upon employment. If the participant fails to complete the prescribed WIA training, the tools remain the property of WIA **and are to be returned to the service provider***. An agreement attesting to the above must be signed by the participant and maintained in the participant file.

***Note:** There may be some exceptions to the requirement to have the participant return tools. Program operators should contact the Local Workforce Areas for guidance.

Computer Purchases: In limited cases, the purchase of a computer may be approved as a required tool. This is most typically, but not exclusively, in distance learning situations. Per guidance from USDOL, case managers **must** request approval from their program manager prior to a computer purchase to ensure it meets the requirements. **Factors that**

will be taken into consideration prior to computer purchase approval include but are not limited to: does the training program include distance learning and to what degree; does the participant have reasonable computer access through another source such as a computer lab on campus or at a public library; does the participant have a lengthy commute to obtain computer access. Providers requesting a computer purchase approval can include justification addressing these factors in an e-mail or submit a request completed by the participant.

Tool/Computer Return: Service providers are to maintain an inventory list of all returned tools/computers. The inventory list must include the month/year the item was purchased, a description of the item, the general condition of the item; the month/year the item is removed from inventory and the status of the item's disposal.

Disposal of Inventory: Providers should retain returned inventory for a reasonable period of time based on the condition and usefulness of the item. If an item has been kept in inventory for a reasonable period and has not been able to pass on to another program participant, then the item can be donated to a non-profit organization. Inventory items cannot be passed on to staff of the service provider or to any individual where a conflict of interest might be perceived.

F. Housing for Youth Services

Housing assistance includes supportive service payments for rent. When supportive service funds are used to pay this expense, documentation must be in the participant's file that verifies the address and rental amount. Documentation may be a signed copy of the rental or lease agreement or when there is no rental or lease agreement between the participant and the landlord, service providers may use a signed Verification of Rent form that lists the rent amount, period of time, address, landlord's federal ID# or social security number.

Documentation must be in the participant's file. Rent receipts shall be maintained in the participant's file with other lease or rental documentation.

The provider shall pay the landlord directly, unless extenuating circumstances exist which requires the provider to reimburse the participant directly. Documentation of extenuating circumstances shall be maintained in the participant's file.

G. Out-of-Area Job Search and Relocation Assistance

Out-of-Area Job Search: A participant may be provided assistance with travel related costs for out-of-area job search such as mileage, plane ticket, per diem and lodging. Prior to approval, the participant must be able to provide documentation of at least one interview for an existing opening that fits with the participant's employment plan. Out-of-area is defined as outside a reasonable commuting distance from the participant's community.

Other Out-of-Area Services: A participant may be provided assistance with costs incurred for out-of-area training or other activities (such as travel to take a licensing test) that are part of their Individual Employment Plan. Lodging, per diem, mileage and other reasonable and necessary costs may be covered. When calculating the level of assistance, providers may opt to cover actual costs or use Federal mileage, lodging and per diem rates and cover any amount up to that level based on available budget and other sources of assistance.

Relocation Assistance: Relocation assistance may be provided to a participant who obtains suitable employment that requires relocation from the participant's community. Assistance can be provided for costs such as payment for a rental moving truck, mileage, per diem and

lodging for the period of the move. Relocation should not be provided without documentation of a job offer.

- H. Internet Services: Payment of internet services is considered an allowable expense for participants who must have internet access for distance learning. There may be other circumstances where internet payments are an allowable expense. In those circumstances case managers should request approval from their program manager prior to making internet payments.

There is no maximum number of internet payments that may be made on behalf of the participant while they are actively participating in distance learning however internet payments shall only be made on a month-to-month basis.

- I. Other Supportive Services

Other supportive services may be provided as determined by the local workforce area. Such goods and services should be reasonable and necessary for the participant to remain in training and/or obtain or retain employment. These services may include, but are not limited to:

1. Haircuts, personal grooming and hygiene needs;
2. Bonding and liability insurance for employment;
3. Work clothing (includes clothing for interviews);
4. Financial counseling or assistance;
5. Application fees and GED fees;
6. Union dues or initiation fees;
7. Auxiliary aides and services for participants with disabilities; and
8. Business licenses
9. Drug testing as required for employment (includes WEX)

- V. Unallowable Supportive Services

Payments are not allowed for titled or deeded items or when recovery of the expense is anticipated. Such items include:

- A. Rent deposits or housing deposits;
- B. Mortgage payments;
- C. Car payments;
- D. Purchase of vehicles; and
- E. Fines.

FOLLOW-UP SERVICES AND ACTIVITIES

Follow-up Services are services that are provided to adult and dislocated worker participants who enter employment and all youth participants after exiting their WIA enrollment. Participant records must be kept for a minimum of three (3) years.

I. Adult and Dislocated Worker Follow-up Services

Follow-up Services must be made available to Adult and Dislocated Worker participants who exit to unsubsidized employment for a minimum of 12 months following the first day of exit.

Case managers should contact the participant at least once a quarter to check in with participants who have obtained unsubsidized employment to see if they need assistance in job retention, wage gains and career progress.

Appropriate follow-up services may vary among different participants, for example participants with multiple employment barriers and limited work histories may need significant follow-up services to ensure long-term success in the labor market including program funded supportive services. Others may identify an area of weakness in WIA training that may affect their ability to progress further in their occupation or to retain employment.

Follow-up services could include but are not limited to:

1. additional career planning and counseling
2. contact with the participant's employer, including assistance with work related problems that may arise;
3. peer support groups;
4. information about additional educational opportunities;
5. limited financial support; and
6. referral to supportive services available in the community.

WIA Final Rule pages 49319-49320

Financial assistance such as needs-related payments are not an allowable follow-up service.

II. Youth Follow-up Services

All WIA Youth participants must receive some form of follow-up services for a minimum duration of 12 months. Follow up means a quarterly contact with the youth to ascertain their status and to determine if they need additional service or support.

The types of services provided and the duration of services must be determined based on the needs of the youth. Document the needs of the youth in case notes and input this information on the follow-up tab.

Youth follow-up services may include: (1) The leadership development and supportive service activities listed in 29 CFR Parts 664.420 and 664.440; (2) Regular contact with youth participant's employer, including assistance in addressing work-related problems that arise; (3) Assistance in securing better paying jobs, career development and further education;

(4) Work-related peer support groups; (5) Adult mentoring; and (6) Tracking the progress of youth in employment after training. Follow-up services may be provided beyond 12 months, as appropriate.

III. Follow-up Activities

Follow-up activities are conducted to ensure positive outcomes and to give credit for outcomes. Obtaining supplemental data to determine if the individual is employed in the four calendar quarters following exit to unsubsidized employment is a follow-up activity.

Timelines for Quarterly Follow-Up

The first quarter follow-up should be done during the calendar quarter after the participant exits from WIA programs.

Calendar quarters:

January-March

April-June

July-September

October-December

Example:

If a participant exits September 30, 2011, follow-up would be done according to the following calendar quarters:

1st Quarter: July- September 2012 (should this be 2013?)

2nd Quarter: October – December 2013

3rd Quarter: January – March 2013

4th Quarter: April – June 2013

Example:

If a participant exits May 2, 2012, follow-up would be done according to the following calendar quarters:

1st Quarter: July - September 2012

2nd Quarter: October - December 2012

3rd Quarter: January - March 2013

4th Quarter: April - June 2013

Follow-up must actually occur during the quarter being recorded.

As per USDOL common measures policy (TEGL 17-05, dated 2/17/06), allowable sources of supplemental information for tracking employment-related outcomes include case management management notes, automated data base systems, documented contacts with employers, and participant surveys. Local Workforce Areas must keep in mind that all supplemental data and methods are to be documented and are subject to audit.

THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT (WARN)

The Worker Adjustment and Retraining Notification Act (**WARN**) was enacted on August 4, 1988 and became effective on February 4, 1989. For more information regarding WARN, please see Appendix B: Rapid Response Policy and Procedures guide. The appendix information is part of the U.S. Department of Labor Employment and Training Administration Fact Sheet: “The Worker Adjustment and Retraining Notification Act, A Guide to Advance Notice of Closings and Layoffs.”

RAPID RESPONSE

Rapid Response is an early intervention service provided to businesses and workers who are facing a business closure or reduction in force. GOWD, in coordination with One-Stop Centers across Georgia, assist with the Rapid Response program.

For more information regarding WARN notices and Rapid Response procedures, please see Appendix B: Rapid Response Policy and Procedures guide.

MONITORING & REPORTING

GOWD is required by A-133 to perform subrecipient monitoring. The March 2011 Compliance Supplement defines activities that a pass-through entity is responsible for. GOWD will meet its a-133 requirements by conducting annual onsite and desk review monitoring, providing technical assistance

to its subrecipients and complying with A-133 requirements in the approval and award of funds to subrecipients.

GOWD's subrecipient monitoring plan will be defined annually. GOWD will determine sample size and key objectives for onsite and desk reviews through an annual risk assessment process. The risk assessment process shall take into account the subrecipient's program complexity, percentage of funds passed through, amount of award and an overall per-entity risk score.

GOWD will make its subrecipient monitoring plan and tools available to its subrecipients annually, prior to monitoring.

ONSITE MONITORING

Forty-five days prior to the onsite monitoring visit, GOWD sends a document request list to the Local Area. The Local Area has 15 calendar days to provide GOWD with the requested documentation. Thirty days prior to the onsite visit, an initial monitoring team consisting of the Senior Project Manager, Project Managers and Financial Specialist reviews documents; updates risk assessment for specific site, and prepares pre-planning documents. During pre-planning activities, GOWD will review the Local Area's general ledger and selects initial testing samples. One week prior to the onsite visit, GOWD sends the sample selections or request list to the Local Area. The Local Area then prepares the sample packets with requested information in preparation for the onsite visit.

GOWD monitoring team hosts an entrance meeting at the Local Area to initiate the onsite monitoring. GOWD conducts testing for a set number of days based on the identified risk level (typically between 3-5 depending upon the size of the Local Area, grant award amount, and risk assessment).

The monitoring team conducts an exit meeting with the Local Area at the conclusion of testing. During the exit meeting, the monitoring team presents draft findings and observations identified during testing. GOWD prepares a draft report based on testing observations, findings and recommendations identified. The Local Area will be provided a copy of the draft report to give the entity an opportunity to provide comments on the draft report. The Local Area submits comments to GOWD onsite team within a specified number of days.

GOWD will modify the draft report based on feedback, if applicable, and distribute the final report within 30 days of the exit meeting. The Local Area will then have 30 days to submit a corrective action plan. GOWD will work with the entity for a 60 day period to close out the corrective action plan.

QUARTERLY REPORTING

GOWD submits Quarterly Reports to ETA based on the Monthly Expenditure Reports submitted by Local Areas. Monthly Expenditure Reports are submitted to GOWD for each grant funding stream/program year by the 20th day of the following month. If a Local Area is in need of program assistance, the assigned GOWD Financial Specialist can provide technical support to the Local Area. GOWD Financial Specialist will compare expenditures to federal spending requirements. GOWD Financial Specialist will also compare reported expenditures to grant drawdowns for the quarter.

The SAO Grant Specialist will prepare the quarterly 9130 financial report and compare it to the monthly financial reports submitted by the Local Areas each month (for each program year and funding stream).

GOWD Finance Director will then review the 9130 report and approve via email if there are no known errors. If there are errors, GOWD Finance Director, Financial Specialist and the SAO Grants Specialist will review the monthly expenditure reports submitted by the Local Areas, payment vouchers, and cash requests to identify discrepancies or variances.

Upon request, GOWD will complete ad hoc reports for State officials.

Appendix A: Grants Management System (GMS)

Procedures for Administering Local Area WIA Funded Grants

The Grants Management System [GMS] was established to provide an efficient and effective comprehensive grants management tool to assist the Governor's Office of Workforce Development with its requisite charge of administering Workforce Investment Act [WIA] grants to each Local Workforce Investment Board [LWIB]. The system was specifically designed to adhere to strict data collection standards set forth in the WIA; and to operate independent of, but in concert with the State of Georgia's PeopleSoft Accounting System.

I. Participants

- LWIB Fiscal Officers
- Governor's Office of Workforce Development Staff [Finance Section]
- Office of Planning and Budget
- State Accounting Office

II. Technical Components

- Grants Management System
- Local Application Server
- GOWD Intranet Framework

Drawdown Request

Local Area Cash Request
Submission made electronically via email
Preferred - MS Excel Template
Alternate - PDF
Submittal made to WIADrawdown@georgia.gov (shared inbox)
Future
Auto-populate Excel
Feeds directly into GMS
Currently in beta testing
Direct entry into SQL cloud hosted server

GOWD
Submission received by Financial Specialist
Grant Check, create if needed
Verify funds availability
Process request against grant
Enter into GMS
GMS "fund checks it," then creates RFE
CFO Approval
Reviews submissions entered by Financial Analyst
Approves, as appropriate requests of less than \$250,000
Items of \$250,000, or greater subject to Director approval

III. SAO

- A. Receives PO voucher from GOWD (created by GMS)
- B. Processes PO/Drawdown
- C. Issues Payment to the LWIB

VI. Reporting Capabilities

- A. Summarize drawdown by time period
- B. Summarize drawdown by fund source
- C. Summarize drawdown by LWIB

Technology

The software component of the system was written and designed by Deloitte & Touche, LLP. In addition to the initial design, Deloitte supplies secure remote maintenance and updates pursuant to contract.

The physical system was built according to specifications from Deloitte and consistent with state policy.

Whereas reliability and security is of the utmost importance, the content of the entire primary hard drive of the system is backed up nightly. Both the system and the backup drive are password protected. While nightly backups are automated, the system is monitored to ensure proper performance.

The system is connected to the local area network via GOWD 1 router. It is tangent to the network that connects GOWD staff to the SOG network. Thus, GOWD staff has login capabilities to GMS, while the system is not open to other SOG users. This system is established as such to ensure both security and accountability.

System

MS Windows Server 2008 R2 SP3

MS SQL Server 2008

Role: Application Server

Local Network Host WIN-HD1BP2NGICL

Backup

Western Digital 1TB External USB 3.0 Drive

Automated nightly at 21:00

Security

Password Protected Server

Password Protected Backup

Local Host

Locked Office

STATE OF GEORGIA

RAPID RESPONSE
POLICY MANUAL

PROGRAM YEAR 2013

Revised as of 9/13/2013

Two Martin Luther king, Jr. Drive, SW, 1408 West Tower, Atlanta, Georgia 30334 ~Telephone: (404) 463-5030 FAX (404) 463-5043

Table of Contents

Section 1: Purpose of Rapid Response.....	6
1.1 What is Rapid Response?	6
1.2 Rapid Response Eligibility	6
1.3 Rapid Response Activities	6
1.4 State Responsibilities.....	6
1.5 Local Workforce Investment Area Responsibilities.....	7
1.6 Coordination between GOWD and LWIA.....	8
1.7 Other Community Partners	8
Section 2: Discovering the Need for Rapid Response.....	10
2.1 Worker Adjustment and Retraining Notification.....	10
2.2 Non-WARN Events.....	10
2.3 Events Triggered Without WARN.....	10
2.4 National or State Emergency	10
2.5 Trade Adjustment Assistance.....	10
Section 3: Layoff Aversion	12
Section 4: Coordinating a Layoff.....	13
4.1 Pre-Employer Meeting	13
4.2 Employer Meeting.....	14
4.3 Rapid Response Services.....	14
4.3.1 Financial Benefits	15
4.3.2 Reemployment Services.....	15
4.3.3 Educational Opportunities.....	15
4.4 Responding to Mass Layoff Events.....	15
4.5 File Management	15
4.5.1 WARN Filing Cabinet at GOWD	15
4.5.2 Layoff Tracker	16
4.6.2 GeoSolutions	16
Section 5: Services to Employees.....	17
5.1 Employee Information Session.....	17
5.2 Preparing for the EIS.....	17
5.2.1 Pre-Planning	17

5.2.2 The Meeting.....	17
5.2.3 Additional Issues/Concerns to Address.....	18
5.2.4 Post Meeting.....	18
5.3 Running the EIS.....	18
5.3.1 Introduction.....	18
5.3.2 Purpose of the Meeting.....	18
5.3.3 Unemployment Insurance Information.....	18
5.3.4 One-Stops and GDOL Career Centers.....	18
5.3.5 Vocational Rehabilitation.....	19
5.3.6 Veterans’ Services.....	19
5.3.7 Trade.....	19
5.3.8 Job Openings.....	19
5.3.9 Time for Questions and Answers.....	19
5.4 Services Available to Dislocated Workers.....	19
Section 6: Transition Centers	21
6.1 Determining the Need for a Transition Center	21
6.2 How does the RRC report on transition center activity?	22
Section 7: Financial Policies and Monitoring.....	23
7.1 Rapid Response Budget Allocations.....	23
7.1.1 LWIA Rapid Response Administration	23
7.1.2 Rapid Response Emergency Reserve.....	23
7.1.3 Other Expenditures.....	23
7.2 Rapid Response Monitoring.....	24
7.2.1 Rapid Response Financial Monitoring.....	24
Section 8: Phone Protocol and Media Requests.....	25
8.1 WARN Telephone Protocol.....	24
8.2 Questions from Employers.....	24
8.3 Questions from Employees.....	25
8.4 Requests from Media	25

Rapid Response Program

I. Section1: Purpose of Rapid Response

A. 1.1 What is Rapid Response?

Rapid Response is a United States Department of Labor grant program established through the Workforce Investment Act. Rapid Response enables each state to provide front-line assistance to employees who are laid off through no fault of their own, known as “dislocated workers.” The Program provides a pro-active response to company layoffs and plant/facility closures in which a state’s Dislocated Worker Unit or Rapid Response team coordinates services to aid dislocated workers and companies affected by closures/layoffs. Rapid Response enables states to provide on-site services, at no cost to the employer, to assist with minimizing the disruptions associated with job loss as well as assisting the dislocated worker in obtaining reemployment as soon as possible.

B. 1.2 Rapid Response Eligibility

Rapid Response services are offered by federal law to companies when 50 or more employees become dislocated workers. The state of Georgia makes an effort to extend these services to respond to displacements of 25 or more employees.

The event resulting in the job loss may be a closing, a layoff, or reorganization. If a company moves out of Georgia or out of the United States, those employees are “dislocated workers” and would be eligible for Rapid Response. If the company moves overseas, the workers may qualify for additional assistance under the Trade Act.

C. 1.3 Rapid Response Activities

In Georgia, Rapid Response is provided through the Local Workforce Investment Areas (LWIA) and is coordinated at the state level by Rapid Response Coordinators (RRC). These teams of local workforce representatives and RRC offer options, resources, and information to aid the employer and the workers as they go through this transition.

Rapid Response activities begin by contacting the company and arranging an initial meeting. These employer meetings help determine whether the layoff can be avoided and what services will be made available to the employees if it cannot. If the layoffs cannot be avoided, the RRC and LWIA staff will share with the dislocated workers the services and resources available to them including unemployment insurance, training opportunities through WIA, and other forms of hardship assistance.

D. 1.4 State Responsibilities

The Governor’s Office of Workforce Development (GOWD) serves as the state’s Dislocated Worker Unit. When a layoff occurs, the company notifies GOWD of the impending dislocation. GOWD, through its RRC teams will then coordinate with the LWIA in which the layoffs will occur. The state’s responsibility is largely to coordinate the meetings, the provision of services, and to follow up with all necessary parties as necessary.

Rapid Response Coordinators are also responsible for bringing additional partners into the Rapid Response team. This includes developing relationships within the private sector and community partners. RRC’s should discover and develop relationships with businesses and organizations to assist in responding to dislocations. If a RRC is

aware of businesses which are seeking to hire employees or looking to locate to the area, it may be possible to transfer the dislocated workers into these new roles to minimize the impact of the layoff.

Rapid Response Coordinators are further responsible for the following duties:

- Manage layoffs of 25+ workers
- Contact employers within 48 hours of notice of layoff
- Maintain confidentiality
- Respond to natural disaster situations and work with other local government divisions and organizations
- Provide assistance with filing worker petitions for Trade Certification and Benefits
- Coordinate with LWIAs
- Make presentations to employers and employees
- Coordinate with local economic development staff

E. 1.5 Local Workforce Investment Area Responsibilities

In Georgia, there are 19 workforce delivery areas with numerous One-Stop centers in each. Workforce development activities provided in the local communities can benefit job seekers, laid off workers, youth, employed individuals, new entrants into the workforce, veterans, persons with disabilities, and employers. The purpose of these activities is to promote an increase in the employment, job retention, earnings and occupational skills improvement by participants. This, in turn, improves the quality of the workforce, reduces government dependency, and improves the productivity and competitiveness of the state and nation.

Local Workforce Investment Areas can provide access to WIA services including core services such as labor market information, skill assessments, job search assistance, and resume advice. If the LWIA determines there is a need, they can also enroll the dislocated worker in intensive and training services to provide skill upgrading and certification in local demand occupations.

For Rapid Response, LWIA staff will provide much of the front line services that the dislocated workers will need. Although the RRC will coordinate all the necessary services, the job of the LWIA will be to assist in giving presentations, providing workshops, and assisting the dislocated workers in accessing other necessary services.

LWIA Staff are responsible for the following:

- Notify GOWD of layoff events for which WARN notice has not been filed
- Respond to layoffs of 25+ workers
- Contact employer within 48 hours of notice of layoff when appointed as lead representative
- Make presentations to employers and employees
- Facilitating workshops on job search techniques, interviewing skills, resume building, salary negotiation, etc.
- Job development training
- Coordination with GDOL to provide Unemployment Insurance(UI) Claims assistance Trade service assistance
- Provide referral for various services
- Individual and group counseling
- Perform skills assessment and case management
- Review Labor Market Information (LMI) and match to job openings
- Regional group meetings to work with local partners in assisting Dislocated Workers(DW)
- Interact at job fairs, expos and opportunities fairs

F. 1.6 Coordination between GOWD and LWIA

Georgia's method of service delivery leverages the Local Workforce Investment Areas to provide many of the Rapid Response services. When a WARN notice is received by GOWD, the assigned RRC will make contact with the designated representative in the LWIA. The RRC and the LWIA representative will determine the local area's capacity to manage the event. This determination will be made by discussing the size of the layoff, available resources of the LWIA (including both personnel and finances), and needs of the employer. The goal of this initial communication should be to determine who will be responsible as the lead representative to coordinate services.

In most instances, the LWIA representative should be the lead coordinator in providing Rapid Response services while the RRC should provide support and leverage additional resources. In the event of mass layoffs or layoffs beyond the LWIA capacity to respond, RRCs will be the lead coordinator. In either instance, RRCs should be in constant communication with the local area to follow up on the progress of the layoff events.

G. 1.7 Other Community Partners

In addition to the Rapid Response Coordinator, LWIA & GDOL staff, there are multiple community partners which may be able to support a layoff event. It is the job of both RRC's and LWIA's to develop relationships with many of these partners to strengthen the economic community. Business partners can assist in averting or minimizing the impact of a dislocation event while community partners can help with financial or emotional support during the transition period.

Partners which can aide in responding to a layoff include:

Georgia Department of Community Affairs offers a variety of economic development incentives and tools designed to help promote growth and job creation throughout the state. (<http://www.dca.state.ga.us/index.asp>)

Technical College System of Georgia (TCSG) provides training opportunities through technical programs or certificates or adult education. All TCSG schools are eligible providers under WIA training services. (<http://www.tcsg.edu>)

Local Chambers of Commerce will have a strong network of businesses and business leaders that will be knowledgeable about economic conditions and opportunities.

Department of Economic Development is the state's leading economic development agency which can provide detail on economic outlook and potential business opportunities and workforce needs. (<http://www.georgia.org>)

Regional Commissions have strong networks in the workforce areas and can assist in connecting workforce needs to opportunities.

II. Section 2: Discovering the Need for Rapid Response

A. 2.1 Worker Adjustment and Retraining Notification

In general, employers are covered by WARN if they have 100 or more employees.

This does not count employees who have worked less than 6 months in the last 12 months AND does not count employees who work an average of less than 20 hours a week.

Federal, state, and local government entities which provide public services are not covered.

WARN notices must be filed if an eligible company lays-off:

- 50 workers at a single site of employment; or
- 100 or more workers who work at least a combined 4,000 hrs/wk; or
- 500 or more workers during a 30-day period; or
- Any number of workers that constitutes 1/3 of the total active workforce (*for companies >100 employees*)

More information on the WARN Act can be found at <http://www.doleta.gov/layoff/warn.cfm>

B. 2.2 Non-WARN Events

Not all layoff events will be covered by WARN. These are instances in which a company is not large enough to fall under WARN guidelines, or a WARN eligible company is not laying-off enough workers to trigger a WARN event. In either instance, Rapid Response services may be provided if the company reaches out to GOWD.

Although WARN is required for layoffs of 50 or more workers, Georgia will engage any dislocation event in which 25 or more workers are being laid off. These workers receive the same access to services as WARN eligible events.

C. 2.3 Events Triggered Without WARN

There may be instances in which a layoff occurs without a 60 day notice through WARN. In these instances, the company may have failed to file the notice, or may have been unable to foresee the circumstances that required the layoff (such as plant closure, bankruptcy, or natural disaster). RRC's may discover these events through local media, the LWIA's, or other form of communication. In these cases, the RRC should reach out to the business and determine if Rapid Response services should be activated.

D. 2.4 National or State Emergency

When there is a state or national emergency, The Georgia Emergency Management Agency (GEMA) is the lead agency working with state agencies, utility companies and volunteer organizations to coordinate disaster response and recovery activities to serve its citizens. RRCs will contact the LWIA to offer Rapid Response services as needed in that area.

E. 2.5 Trade Adjustment Assistance

Trade Adjustment Assistance (TAA) is a program, administered through partnership with state and local agencies that helps American workers whose jobs have moved out of the country or have been affected by imports. Trade benefits and services help affected workers return to work as quickly as possible.

How do workers become eligible to receive Trade benefits?

In order for workers to obtain TAA services and benefits, a petition must be filed with and approved by the U.S. Department of Labor. A company official, three employees, a union official, or state workforce agency staff may file the petition. Refer to <http://www.doleta.gov/tradeact> for additional information, including the petition application process. GOWD website workforce.georgia.gov links to TAA information located on the U.S. Department of Labor Employment and Training website.

How does the RRC know when a Trade petition is certified?

The RRC will be in communication with GDOL Regional Trade staff. Communication begins when the RRC enters WARN information into the WARN Module of GeoSolutions. Each WARN notice should be forwarded to the appropriate Regional Trade Coordinators and other GDOL staff. GDOL will notify GOWD on TAA certifications. Additionally, RRC can check the GDOL website for a list of trade petitions at (<http://www.dol.state.ga.us/Access/Service/PetitionListing?listingType=TAAAA>).

How are affected workers notified about Trade?

The RRC works with TAA staff to ensure workers are notified about the benefits and services as soon as possible so they can meet the application deadline for training enrollment or training waiver eligibility. If not enrolled in TAA approved training, or if not waived from the training enrollment requirement by the deadline, the worker will not be eligible for Trade Readjustment Assistance (TRA). Consult the Trade Act Handbook for additional information about this and other important deadlines.

Who conducts the Trade information session(s)?

When a company is Trade certified, the RRC notifies the LWIA representative, and solicits their participation in upcoming Trade information session(s). The GDOL career center staff, with the assistance of the RRC and WIA representative, is responsible for presenting an overview of Trade benefits and services. Claims may also be filed at the information session. State TAA staff provides technical support to local staff and customers, answer questions about the benefits and services, and may also participate in the information sessions. The Trade session may be held at the company or at the local GDOL career center.

What Trade services are potentially available to workers?

TAA includes reemployment services, income support, job search allowances, relocation allowances, training, Health Coverage Tax Credit, and case management services.

TRA (Trade Readjustment Allowance) provides weekly income support payments while participants are enrolled in full-time training approved by State TAA staff.

HCTC (Health Coverage Tax Credit) is a tax credit administered by the IRS and currently pays 72.5% of qualified health insurance premiums. This percentage is determined by the IRS and is subject to change.

ATAA (Alternative Trade Adjustment Assistance) allows workers age 50 or older to accept work at a lower wage and be paid a subsidy that is 50% of the difference in the wages earned at the new job and what they earned at the Trade-affected company. ATAA participants are not eligible for training.

RTAA (Reemployment Trade Adjustment Assistance) is similar to ATAA but differs in that participants may elect to work and attend training.

III. Section 3: Layoff Aversion

An important component of Georgia's Rapid Response strategy is layoff aversion. The long term goal of the Rapid Response team is to develop a network of business and economic development partners to strengthen Georgia's economic health. RRCs should develop these partnerships to prevent layoffs by connecting human capital, training solutions, and business opportunities in an area.

The primary approach to layoff aversion is connecting to the economic development and business communities. These networks will not only provide advance warnings of trends and changes in the economy, but also provide access points for services and potential job opportunities to transfer dislocated workers. RRCs should be tightly connected with the economic and business representatives in their area.

Georgia's layoff aversion strategy also focuses on incumbent worker training. In some situations, it may be possible to prevent a layoff from occurring by offering skills upgrading of the current workers into new positions. Similarly, it may be possible to provide a training program to transfer employees from a company experiencing a layoff into positions with a new company. This strategy would seek to minimize the dislocation period of the worker.

Incumbent Worker Training contracts are available through the LWIA's. If IWT would assist in avoiding or minimizing a layoff, consult with the Rapid Response Director.

IV. Section 4: Coordinating a Layoff

When a layoff notice is received, the Rapid Response representatives from GOWD and the LWIAS are responsible for coordinating all aspects of Rapid Response services. This includes contacting the employer, scheduling the employer meeting, scheduling the employee meeting(s), and gathering all necessary partners.

The first action is to forward the WARN or layoff notice to the appropriate LWIA. The designated RRC should also make contact with the LWIA Rapid Response representative to determine the lead facilitator for all activities.

The designated entity should then contact the employer within 48 hours of receipt of the layoff notice. The following information needs to be gathered:

- Verify the layoff/closure to determine when it is going to occur or if it has already occurred. Could there be a recall? If so, when?
- Ask about the reason behind the layoff or closing. Be aware of any potential Trade issues because they would affect the services offered.
- Note any possible layoff aversion opportunities, especially whether the employer is considering alternative ownership.
- Verify the number of impacted workers and if all will be laid off all at one time or in phases.
- Ask about the presence of unions and collective bargaining agreements, including any bumping rights.
- Ask for the name and contact information of the union representative.
- Ask about the industry and impacted occupations. Then collect LMI on the local economy and identify job opportunities in the same or similar industries.
- Ask for meeting options, days and times, when RRC and WIA reps can meet with employer to discuss services and resources.
- Consult with WIA reps to determine the best meeting date and time. The RRC then confirms this appointment with the employer, facilitates the meeting, and is the point of contact for the employer.

Enter the information collected into the Layoff Event Tracker on the W: / drive in the Rapid Response folder.

A. 4.1 Pre-Employer Meeting

Prior to the Employer Meeting, schedule a Pre-Employer Meeting with partner agencies (GDOL career centers, WIA, technical school, etc.) to discuss strategy. This may be done on the phone, via email or face to face. This is a critical initial step before planning any layoff services. The following topics should be discussed:

- Local resources and services
- LMI, Trade Act petitions and developing trends
- Options for Employee Information Sessions
- Services or workshops to offer
- Possibility of resource room or transition center
- Staffing options

B. 4.2 Employer Meeting

The Employer Meeting provides a face to face review of the layoff or closing. This initial meeting with the employer usually includes the RRC and WIA rep and provides an opportunity for the employer to share additional information or give facts that have changed since the initial phone call.

During this meeting ask for suggestions as to the date and time for Employee Information Session(s) (EIS). Everyone attending should bring a calendar so that specific plans can be made. Bring copies of the Reemployment Questionnaire to determine the needs of the dislocated workers. Ask the employer to distribute and collect these cards so that the team will be aware of their needs. Check for any language barriers at this time.

During the discussion, the RRC should inform the employer about specific activities, resources and strategies that are available. The representatives from the WIA will also share their activities and resources.

The information presented should include the following:

- Unemployment Insurance – onsite mass claims may be a possibility.
- Onsite Early Intervention Services – Employee Information Sessions (EIS) can be scheduled to minimize disruption to the workplace.
- Local Workforce Investment Areas – describe the one-stop system and its provision for ongoing reemployment services including job searches and workshops.
- Transition Assistance Committee – if the layoff is not immediate, promote this as a way to increase employee involvement.
- Layoff Aversion – ask if there were any steps taken to avert the layoff. If appropriate, suggest resources that may be available at the state or local level to assist the employer with maintaining operations. Pre-feasibility studies might be discussed at another meeting with economic development representatives.
- Trade Information – if this is a manufacturing company, they may qualify for Trade benefits. Explain the process and provide the Trade Petition form or website for additional information.
- Company Contributions – determine if the employer is in a position to offer financial support for dislocated worker services. Suggest in-kind contributions such as: space for onsite transition center plus equipment like computers, Internet access, workshop space or human resource staff to assist with arrangements.

See the Rapid Response Employer Meeting Guide on the W: / drive for more information.

C. 4.3 Rapid Response Services

Each company and its employees are unique but there are certain fundamental services that many dislocated workers need. As you talk with the employer, determine which services might be most useful in each case. Consult with the career center and WIA representatives to see what services they might be able to offer. Provide a copy of the available services to the employer during the initial meeting. A copy of these services can be found on the W: / drive.

The following are possible resources the employer may be interested in:

4.3.1 Financial Benefits

- Unemployment Insurance (UI) benefits
- Trade benefits (where eligible)

4.3.2 Reemployment Services

- Early intervention benefits
- Provides positive impact on worker morale and productivity
- Disseminates timely and accurate information about transition resources
- Allows period of adjustment for employees
- Avoids duplication of services and expenses
- Details employee benefit options (UI, severance pay, Trade, etc.)
- Maintains focus on productivity
- Employee orientations on UI, reemployment services, retraining opportunities, other support
- Job matching/job referral/Georgia Works
- Workshops
- Job search techniques
- Career exploration
- Labor market information
- Interviewing skills
- Résumé preparation
- Money management
- Job fairs
- Rehabilitation services
- Onsite or conveniently located transition centers

4.3.3 Educational Opportunities

- Grants and scholarships through HOPE, Pell, the Workforce Investment Act (WIA) and other financial aid resources
- Adult education and GED preparation
- Occupational skills training through certificate programs
- College degree programs
- On-The- Job training

D. 4.4 Responding to Mass Layoff Events

Some dislocation events will be large scale and may require greater demand for resources than GOWD or the LWIA is able to provide on their own. In these instances, GOWD may contract with GDOL to assist in providing layoff services. Consult the Rapid Response Director for more details.

E. 4.5 File Management

When WARN notices are received, a copy should be filed both electronically and physically. All activities associated with a WARN are also tracked electronically with physical documentation stored at GOWD.

4.5.1 WARN Filing Cabinet at GOWD

When WARN notices are received, the physical copy is filed at GOWD in the WARN filing cabinet, sorted by month of layoff date.

A Company folder is also created to hold all details and paperwork associated with the particular layoff and is stored in the WARN filing cabinet. A copy of the WARN notice is also placed inside the company folder.

4.5.2 Layoff Tracker

The Layoff Tracker is hosted on the W: / drive and is where all details regarding layoff services and activity for each WARN should be entered for each WARN.

4.6.2 GeoSolutions

When WARN notices are received, the Rapid Response Coordinator should enter all the necessary information into the WARN Module in GeoSolutions.

Additionally, the WARN notice should be sent to the appropriate LWIA, GDOL Trade, and UI staff.

V. Section 5: Services to Employees

A. 5.1 Employee Information Session

Members of the Rapid Response team are responsible for providing workers with access to quality information regarding all transition assistance available in the community. It is critical for workers to make intelligent reemployment choices. Employee Information Sessions (EIS) should be customized to the workers impacted by the closing or layoff. An effective EIS quickly brings hope to dislocated workers and allows them to begin to focus on the future.

RRC's should review the information gathered at the Pre-Employer and Employer Meetings in order to customize the information presented at the EIS. RRC cannot be onsite when employees are informed of a layoff or closing.

This session is an opportunity for the RRC and representatives from the WIA to share information and resources with the dislocated workers. Often the session is onsite at the company but if that is not possible, it could take place at a union hall, a public school, a public library, a local technical college, or a nearby church social hall so long as it is close to the company site.

If language barriers exist, the RRC will need to ask in advance for translators from the district director or possibly from the company. If there are several languages or there are large numbers of people speaking a particular language, it is most effective to have a separate session for non-English speaking workers.

B. 5.2 Preparing for the EIS

5.2.1 Pre-Planning

- Presenters will be a RRC and/or representatives from the WIA center & GDOL. Based on the needs of the layoff, presenters can also include HR staff from the company, representatives from technical schools, outplacement staff, or others identified by the company and Rapid Response team such as **employers with job openings**.
- Obtain buy-in from the employer, labor, and union representatives.
- Prepare the setting of the meeting room.
- Consider timing issues such as various shifts.
- Produce appropriate materials in the correct quantities (always bring 10-15 extra).
- Bring PowerPoint or a standardized script.
- Provide e-learning option in case someone misses the session.
- Prepare for presentation with information provided in a clear, concise, complete, and compassionate manner.
- Dress professionally for the meeting.

5.2.2 The Meeting

- If possible, invite all workers to complete the sign-in sheet (OR, work with an HR representative to take attendance).
- Greet the audience.
- Acknowledge company and union support.

- Introduce Rapid Response team and each person's role and agency.
- Provide assurance that this is an organized effort to assist them.
- Share details of the service strategy.
- Provide information on the programs and services available and how they are accessed.
- Explain the role of the Transition Committee if one exists.
- Distribute the printed materials.
- Allow time for questions and individual concerns.

5.2.3 Additional Issues/Concerns to Address

- Look for non-verbal clues.
- Address negativity.
- Provide concrete examples.
- Provide tips on job hunting techniques, resources, programs, etc.

5.2.4 Post Meeting

- Follow up with questions from participants.
- Evaluate presentation and response.

C. 5.3 Running the EIS

It is important to customize the material to fit the specific needs and concerns of each company's workers. Here are general topics to be sure to include.

5.3.1 Introduction

The RRC introduces all presenters by name and by agency. Begin by thanking the employer for allowing the Rapid Response team to come and present this information to help dislocated workers during this transition. If the employer is allowing other Rapid Response services such as workshops, a resource room, or a transition center be sure to mention these activities.

5.3.2 Purpose of the Meeting

Explain that each presenter will be sharing information about resources and programs that will be beneficial as the dislocated worker finds a job, considers training or files for Unemployment Insurance.

5.3.3 Unemployment Insurance Information

Unemployment Insurance is very important to workers and is usually presented by the GDOL representative. Workers need to know when UI will take effect, how long it will last, and how much assistance they will be receiving. When assisting with an interstate situation, it is important to remember that UI laws and benefits vary from state to state. Workers living in one state and working in another generally apply for UI in the state in which they have worked. Ideally, representatives from neighboring states would be part of the presentation.

5.3.4 One-Stops and GDOL Career Centers

The LWIA One-Stop center provides access to WIA services. This program provides a federally funded grant for dislocated workers to obtain additional training, a certification, or a license for an in-demand career. Free assessments are offered to help workers determine the occupations best suited for them.

Workshops and classes are also offered. If a layoff impacts workers from other states, representatives from neighboring states may be a part of the presentation.

In addition to WIA One-Stop Centers, services are available at GDOL career centers. The local GDOL career center provides job search information, resources, workshops, Unemployment Insurance information and other helpful services such as copying, faxing, computers, and phones. A range of topics are offered in workshops to help workers manage the variety of issues they face from interviewing, résumé writing, and financial management. Here the workers will meet staff who understands the challenges of going through this kind of transition.

5.3.5 Vocational Rehabilitation

Let workers know that services for people with disabilities are available through GDOL career centers or rehabilitation services offices.

5.3.6 Veterans' Services

GOWD has a number of programs available specifically for veterans. Operation Workforce is an online portal to connect veterans to employers. This web portal links resources from multiple state agencies and private organizations that serve veterans and includes dynamic content that is comprehensive, intuitive, and appealing to veterans and Georgia employers alike. (www.operationworkforce.com)

Be sure to inform workers that there are Veterans' Representatives in each GDOL career center to specifically work with veterans.

5.3.7 Trade

If the company has been approved for Trade, the RRC, GDOL career center representative, and staff from the Trade Unit will discuss the best way to provide information on Trade benefits and filing for them.

5.3.8 Job Openings

Before attending the Employee Information Session, the RRC should work with the LWIA to look for job openings in the area. Ideally, these openings will be in a related field or a field that may require little to no training to move into. RRC's should not only take information about these openings, but if possible take applications to distribute. Business partners can play a large role in assisting with hiring needs for the area. Incumbent Worker Training may be available to help transition workers into new positions.

5.3.9 Time for Questions and Answers

Presenters should be prepared to answer questions and give referrals for resources to provide additional information. If the team does not have a readily available answer, the RRC should take the initiative to find the information and get it to the questioner as soon as possible.

It is important for the presenters to have positive attitudes, credible information, and expertise in their respective fields. Presenters must convey to the dislocated workers that there is "life after the layoff." It is important that dislocated workers understand how each service will be a direct benefit to them.

D. 5.4 Services Available to Dislocated Workers

Dislocated workers have access to the following services:

Unemployment Insurance

- Explanation of benefits and eligibility requirements

- Assistance in filing claims

Reemployment Services

- Referrals to available jobs
- GDOL One-Stop Career Center Registration
- Labor Market Information
- Résumé Assistance

Training Assistance

- Introduction to WIA training/retraining programs
- Information on the area's Demand Occupation list

Additional Customized Services

- Job Search workshops
- Résumé workshops
- Onsite transitional center
- Onsite resource center
- Workforce Transition Committee formation
- Job fair assistance
- Computerized job search workshops
- Services in languages other than English
- OASIS – workshops for customers, who may have disabilities, to learn about career center services
- Trade benefits information (if applicable)
- Referrals to community services

VI. Section 6: Transition Centers

A. 6.1 Determining the Need for a Transition Center

Before setting up a transition center, the RRC should discuss this option with the Rapid Response Director. With approval, meet with the local career center management, WIA staff, relevant partners and company representatives to determine the level of services to be provided including: staffing requirements, resources, UI claims filing, Trade filing, employment services registration, job referrals, workshops, and career assessments.

Transition Centers are fully equipped and staffed “mini career center” with computers, a copier, and resource information necessary for preparing a job search. It may be onsite at the company or in a building convenient to the company workers.

The Rapid Response Director, management team, and the IT coordinator must be consulted prior to committing to setting up a transition center. Many factors must be considered such as:

- Geographic proximity of the company to a One-Stop career center and technical college.
- Capacity of the One-Stop career center (size, staffing, capability of staff).
- Size and impact of layoff or closing (usually 100 or more impacted).
- Availability of local and state funds and whether it is cost effective.
- Likelihood of reemployment in the same or similar occupations with little or no need for services.

Staffing requirements will be affected by the following:

- Amount of notice (time) from the company.
- Company collaboration and resources.
- Level of need of the affected workers.
- Number of affected workers.
- Schedule of layoffs.
- Design of the transition program (full off-site, full onsite, resource room).

Evaluate the need for onsite or stand alone space for a transition center by considering the following:

- Where workers live, closest GDOL career center and technical college and their capacities.
- Amount of time before layoff is scheduled to occur and immediate employment opportunities.
- Potential for Trade which may require additional services.
- Availability of staff.
- Language needs.

If the transition center appears to be a viable option, let the company know the RRC will consult with the support team. Emphasize that in order for GOWD to customize our services to fit their needs, we must do a thorough analysis before any commitment can be made.

The RRC prepares a one-page justification document containing all the facts obtained in the Employer’s Meeting so a decision can be made by management that will best suit the company’s needs. Once approval is received, the

RRC schedules a date for appropriate staff from GOWD, the LWIA, and if needed, GDOL career center to examine the location.

The Transition Center Coordinator is responsible for scheduling and overseeing every aspect of the set-up process. Much of this responsibility involves coordinating the efforts of others on the team.

Consult the Transition Center Decision Making Process on the W: / drive for additional information.

B. 6.2 How does the RRC report on transition center activity?

Once a week the lead person working at the transition center sends the RRC a bullet report of activity and/or events that are occurring at the transition center. Be sure to include the following information:

- Name of transition center and location.
- Dates covered in report.
- Names of staff and representatives with agency name who worked during that week.
- Number of employees who used the services.
- List any workshop or Lunch n' Learn and how many attended.
- Add any other pertinent information.

An Excel Activity Spreadsheet detailing the county each employee lives in who visits the transition center and what specific services each employee received is also updated weekly and sent to the RRC.

VII. Section 7: Financial Policies and Monitoring

A. 7.1 Rapid Response Budget Allocations

The Governor's Office of Workforce Development reserves up to 25% of the state's Dislocated Worker funding for Rapid Response activities. An annual budget is developed by GOWD Rapid Response Director, in collaboration with the Finance Director. This budget is reviewed and approved by GOWD Executive Director and presented to the State Workforce Investment Board (SWIB) for comments and review.

7.1.1 LWIA Rapid Response Administration

A minimum of 25% of the Rapid Response reserve is made available to the LWIAs for the administration of Rapid Response activities within the local area. These funds are provided to the LWIAs in a separate grant award. Allocations are made using the dislocated worker allocation formula used for funding in the same Program Year. Separate drawdowns and financial tracking must be completed for these awards. Usage of these funds includes but is not limited to: printing of materials to be shared at Rapid Response events, payment of employee time directly related to Rapid Response events, establishment of a transition center (with prior GOWD approval), employee time dedicated to collaborating with business and industry to identify potential layoffs and provide information about layoff aversion opportunities, and travel incurred while traveling to and from Rapid Response events. Rapid Response administration funds should not be used to subsidize Dislocated Worker events that are already occurring, or to subsidize the other operational duties that staff would otherwise incur should no Rapid Response event be present within the LWIA.

During the first year of the Rapid Response administration award, the funds awarded are not eligible for transfer into Adult funding streams. After the final Financial Status Report (FSR) has been filed for June of the first program year, LWIAs may request a transfer of funds into Adult funding streams. GOWD will review transfer of other Dislocated Worker funds into the Adult funding stream as well as total allocations and expenditures within all impacted funding streams.

7.1.2 Rapid Response Emergency Reserve

A minimum of 50% of the Rapid Response reserve is held by GOWD to provide additional funds for significant Rapid Response events. These events are beyond the scope of what LWIA resources are able to handle, or occur at such a point that LWIA resources have been exhausted prior to this layoff or event. Any LWIA requesting emergency reserve funds must have adequately spent the Rapid Response administration grant awards and should be able to document with both financial and statistical resources why the event is beyond the scope of their abilities. A budget for any future award of funds must accompany all LWIA requests. GOWD will review all requests and make funding determinations based on need and available reserve funds.

7.1.3 Other Expenditures

GOWD budgets any remaining Rapid Response funds to cover costs that include, but are not limited to: Rapid Response case management costs, salaries and benefits for state-level Rapid Response personnel, travel for state-level Rapid Response personnel, inter-agency collaboration and assistance with Rapid Response events, annual training or educational opportunities that specifically benefit Rapid Response,

and other expenditures as requested by the Rapid Response Director and approved by GOWD Executive Director.

B. 7.2 Rapid Response Monitoring

All costs and activities associated with Rapid Response are monitored during the annual on-site monitoring process.

7.2.1 Rapid Response Financial Monitoring

GOWD includes all Rapid Response grant awards (administrative and emergency reserve) within the scope on annual on-site financial monitoring. Financial sample selection includes samples of all Rapid Response expenditures, contracts, employee time allocations, and other cost allocations. All GOWD financial policies and procedures apply to Rapid Response grant awards, and the same corrective actions and sanctions also apply.

VIII. Section 8: Phone Protocol and Media Requests

A. 8.1 WARN Telephone Protocol

When a call comes in from an employer or employee seeking information about WARN:

The customer should be asked if he/she is aware of the information on the Governor's Office of Workforce Development website (www.workforce.georgia.gov) or the U.S. Department of Labor website (www.doleta.gov/layoff/warn.cfm). The USDOL website provides a WARN guide for workers and a WARN guide for employers. If the caller is not aware of these websites, he/she should be referred to them. These websites contain information that is geared more toward employer questions but employees may find it helpful as well.

Often an employee of the company will have additional questions and should also be referred to the Sugar Law website (www.sugarlaw.org) which lists contact information for experts.

If the customer states that he/she has been to the website, an attempt should be made to answer the question by utilizing the "Frequently Asked Questions Regarding WARN" document.

If an answer is not listed, then the caller should be advised that while we can provide general information we cannot provide legal advice and the caller may want to contact his/her legal resource for the answer/s to specific question/s. The caller may also be tactfully referred again to information on the websites at either GOWD/USDOL websites or the Sugar Law website.

If the customer still desires to speak with someone, the caller should be referred to a Rapid Response coordinator. Should one not be available, the customer should be asked to leave a detailed voicemail message on the coordinator's voicemail and told that the coordinator will research the question/s and will call him/her back with a proper response. The caller should be informed that voicemails are checked and that an answer will be provided as quickly as possible.

B. 8.2 Questions from Employers

REMINDER: For use via phone only. GOWD does not provide WARN information in writing except what is posted at workforce.georgia.gov

Helpful websites to recommend: Workers Guide and Employers Guide
(<http://www.doleta.gov/layoff/warn.cfm>)

What is the purpose of a WARN notice?

The main purpose of the WARN is to notify the workers, elected officials and GOWD of a layoff or closing. After receiving notice, the Rapid Response Coordinators can provide pre-layoff services which positively impact both the employees and the employer.

Do I have to file a WARN notice?

This is a question to ask your legal counsel or industry trade association. It is important to review the WARN legislation for your unique circumstances. In general, employers are covered by WARN if they have 100 or more employees and the layoff consist of:

- 50 workers at a single site of employment; or
- Any number of workers that constitute 1/3 of the total active workforce at that site.

To whom do I send the WARN notice?

The employer must give written notice to employees who will be impacted or their representatives, GOWD, USDOL, and the chief elected official of the unit of local government where the employment site is located.

How much advance notice must I give?

Notice must reach the required parties at least 60 days before the closing or layoff. There are exceptions in the case of:

- Faltering company
- Unforeseeable business circumstances
- Natural Disaster
- Consult legal counsel to review your situation.

What happens if I meet the criteria and don't send a WARN notice?

An employer who violates the WARN provisions by ordering a plant closing or mass layoff without providing the appropriate notice is liable to each affected employee for an amount including back pay and benefits for the period of the violation up to 60 days (up to \$500 per day).

C. 8.3 Questions from Employees

What can I do if my employer did not file a WARN notice?

Check the Sugar Law website, www.sugarlaw.org, or call 208-728-7828 for suggestions.

Who enforces WARN?

WARN is enforced through the United States District Courts. Workers, representatives of employees and units of local government may file an individual or class action suit.

How can I know I am being treated fairly?

Check GOWD and USDOL websites for more specific information. Contact Sugar Law to discuss your particular situation. For other wage and hour, or pension questions, contact the US Wage and Hour Board at 404-893-4600 or its website at www.dol.eta.gov

D. 8.4 Requests from Media

Take a message and send to GOWD Communications team. The message should include: Name of reporter, Name of Publication, What WARN they are inquiring about, Phone Number, Email. Let your supervisor know that you were contacted. All media inquiries are handled by GOWD Communications Manager:

Hope Peterson
Governor's Office of Workforce Development
404-463-8526 (office)
404-316-5509 (cell)
hpeterson@georgia.gov

When major Rapid Response events are planned, including but not limited to opening of transition centers, public notices of services in the event of a disaster or similar Rapid Response occasions, GOWD will talk to ensure the media will be made aware of the full array of workforce services.

